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# REPARATIONS

1932 - 1933

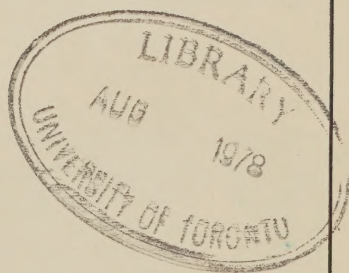
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## FINAL REPORT

March 4, 1933

ERROL M. McDOUGALL, K.C.  
Commissioner

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OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1933



# DEPARTMENT OF THE SECRETARY OF STATE REPARATIONS DIVISION

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# DEPARTMENT OF THE SECRETARY OF STATE

## REPARATIONS 1932-1933

### FINAL REPORT

*To His Excellency  
the Governor General in Council.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour to submit the following Final Report under and in virtue of Royal Commission issued to me dated September 6, 1930, directing that I hear and make report in respect of claims for reparations not heard by the previous Commissioners, or which have been filed since the date of the earlier report.

Since the date of my Further Report, dated November 30, 1932, the Commission has held sessions at Toronto, and has heard cases at Montreal and Ottawa, with a view to completing the 286 outstanding claims. Where claimants failed to appear and the claims were pressed, they were requested to complete the records by documentary evidence. In the result, all open dockets have been closed and recommendations made in all records before the Commission.

The present report involves an expenditure of \$55,121.10, with \$36,345.19 estimated interest, at the rate of 5 per cent per annum to, say, March 14, 1933—total of \$91,466.29. Adding this total to the sums allowed in previous reports gives a grand total of \$1,123,702.08.

Summarizing the work done by the Commission, I have the honour to report the following number of cases dealt with:—

Report	No. of Cases	Date	No. of Awards	Principal	Interest	Total
				\$ cts.	\$ cts.	\$ cts.
Interim.....	272	March 6, 1931.....	188	345,379 26	212,389 38	557,768 64
Armenian.....		May 9, 1931.....				
Supplementary.....	54	July 21, 1931.....	14	131,014 93	95,804 10	226,819 03
Maltreatment.....	340	Jan. 13, 1932.....	132	93,500 00	56,343 13	149,843 13
Otokio.....	1	March 15, 1932.....	1	35,962 58		35,962 58
Further.....	324	Nov. 30, 1932.....	57	37,810 00	24,032 41	61,842 41
Final.....	286	March 4, 1933.....	64	55,121 10	36,345 19	91,466 29
Total.....	1,277		456	698,787 87	424,914 21	1,123,702 08

NOTE.—The interest amount mentioned in the last item is an estimate.

Of the total number of 1,277 cases dealt with, 415 claims were filed by civilians and 862 claims by military ex-prisoners of war, and of these 53 civilian and 108 military claims were disallowed for lack of prosecution or withdrawal by the claimants.

Total cases heard, 1,067.

	Awards	Withdrawn etc.	Disallowed	Total
Civilian claims.....	255	53	107	415
Military claims.....	201	108	553	862
Total.....	456	161	660	1,277

The principles upon which the assessments have been made and the methods adopted in recommending awards are stated in Opinions annexed to and forming part of my earlier reports.

The present report includes findings relating to the dependents of the members of the crew of the ill-fated schooner *Otokio*, whose loss was the subject of a previous special report. These claimants were given an opportunity to be heard during the last Maritime session of the Commission.

In those cases in which claimants, for one reason or another, have advanced further claims since the date of earlier awards, a general recommendation will be found herewith, briefly stating the grounds upon which no further action is recommended.

May I again express my appreciation for the faithful, intelligent and consistent assistance and co-operation given me by the Deputy Commissioner, Major H. Spencer Relph; the Secretary, Mr. John A. Duffy; and the efficient staff, in carrying out the difficult and detailed labour involved in the preparation and hearing of these cases and the completion of the reports.

All of which is respectfully submitted for Your Excellency's consideration.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, March 4, 1933.

SCHOONER "OTOKIO"

Case	Claimant	Amount claimed	Decision
			\$ cts.
1550 I.....	Acker, Charles—deceased.....	Unstated.....	1,500 00
1550 N.....	Allison, James A.—deceased.....	".....	1,500 00
1550 J.....	Burke, John F.—deceased.....	".....	1,500 00
1550 F.....	Conrad, Milledge—deceased.....	".....	1,500 00
			1,500 00
1550 C.....	Heisler, George—deceased.....	".....	Disallowed.
1550 H.....	McLeod, Calvin—deceased.....	".....	Disallowed.
1550 G.....	McLeod, John—deceased.....	".....	2,000 00
1550 D.....	Mosher, John—deceased.....	".....	1,200 00
1550 L.....	Nauss, Elwood—deceased.....	".....	1,500 00
1550 E.....	Publicover, Charles—deceased.....	".....	2,500 00
1550 A.....	Ritcey, Newton—deceased.....	".....	1,500 00
			1,500 00
1550 K.....	Ritcey, Wallace—deceased.....	".....	Disallowed.
1550 M.....	Smeltzer, Stephen—deceased.....	".....	Disallowed.
1550 B.....	Smith, Sydenham—deceased.....	".....	1,500 00
			1,500 00
			1,500 00

14 cases—10 with 5% interest from January 10, 1920.



**CASES 1550 (A to N)—DEPENDENTS SCHOONER "OTOKIO"**

The schooner *Otokio* was lost with her entire crew on or about September 6, 1918. I have already held that her loss is to be attributed to enemy action and awards have been rendered and paid to her owners for her loss and the cargo loss. Claims have been presented on behalf of the dependents of the ill-fated members of the crew.

As pointed out in Opinion No. 2, to my Interim Report, in considering claims of dependents for the loss of life, it is not the value of the life lost which must be determined, but the loss sustained by those who were dependent upon the deceased. The factors or elements to be considered in computing the loss have been there stated and need not be repeated. In the majority of the cases now under examination the deceased left a widow and a child or children. Many of the widows have since remarried, thus terminating in most instances any further dependency upon their former husbands. During their period of widowhood, these widows were compelled, as best they could, to provide for themselves and their children—mostly of tender years—and the burden was particularly heavy. Quite apart, therefore, from any legal principle that arrears of maintenance are not properly recoverable, I consider that the widow who has been compelled to support herself and her children through the loss of her husband, should receive compensation during the period she was in such position, covering the expense she necessarily incurred to maintain herself and her children. Taking as a basis the amount earned by the deceased and the sum he would probably have contributed to the support of his family had he survived, an estimate of the amount payable to the widow may be made. Previous cases have been decided upon this principle and I would propose to adhere thereto in the present case. I consider also that the child who has been deprived of a father's personal services in his or her care, education or supervision has sustained damage for which she or he, in the special circumstances of each case, is entitled to be compensated. Under previous awards, many of the present claimants, as heirs at law of the deceased members of the crew, have received sums of money, representing the share to which the decedent was entitled as a shareholder in the vessel, as also the share in the catch of the vessel to which such decedents became entitled. In assessing these claims I consider that this compensation should be taken into account.

With these considerations in mind, I proceed to deal with the various claims presented.

**A. NEWTON RITCEY—MASTER.**

The deceased, a Canadian, left a widow and one child, the latter aged 2 years and 11 months at the time of her father's death. The widow remarried November 1, 1922, and is now Mrs. Titus Conrad. It is in evidence that, during her period of widowhood, claimant, Enid Conrad, received financial assistance from her brother-in-law, Harris Ritcey, and further that the estate of her husband was probated at an amount over \$5,000, which amount was received by the widow. Claim is made by claimant on her own behalf and also on behalf of her minor child. Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend payment to the claimant, Enid Conrad, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from the 10th January, 1920, to date of payment. As to the daughter, Pauline Ritcey, now aged 17 years, I would recommend a payment of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from the 10th January, 1920, to date of payment, payable to her legal guardian, in accordance with the laws of Nova Scotia.

**B. SYDENHAM SMITH—MEMBER OF CREW.**

The deceased, a Canadian, left a widow and two children, Solomon Edward Smith (also called Arnold) aged one year and two months at the time of his father's death, and Cora Kathleen Smith born after her father's death (December 30, 1918). The widow remarried on December 22, 1926, and is now Mrs. Mary Lee Hirtle. I regard the widow as entitled to an award during her period of widowhood. Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend a payment to Mary Lee Hirtle of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the two children, now aged respectively 14 years and 13 years, both of whom were clearly dependent upon the deceased, I would recommend payment of \$1,500 each, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment, payable to their legal guardians, in accordance with the laws of Nova Scotia. A further claim was presented on behalf of a sister of the deceased, Ella Smith, who is declared to have been dependent upon him. While the claimant may, in fact, have received support from her deceased brother during his lifetime, I cannot find that she is to be regarded as a surviving dependent within the meaning of the relevant sections of the Treaty of Versailles. Her claim must be disallowed.

**C. GEORGE HEISLER—MEMBER OF CREW.**

The deceased, a Canadian, was unmarried. Claim is made by Kenneth Creaser, in his quality of executor to the estate of the late Margaret Creaser, by whom it is said the deceased was adopted, and upon whom she was dependent. Margaret Creaser died on November 22, 1929. She had been appointed Administratrix to the estate of the deceased on November 23, 1919. There can be no claim on the ground of dependency in this case inasmuch as claimant is not a surviving dependent, even were the legal relationship between the deceased and Mrs. Creaser established, which has not been done.

**D. JOHN MOSHER—MEMBER OF CREW.**

The deceased, a Canadian, left a widow and one child, Anson Mosher, aged 7 years and 10 months at the time of his father's death. The widow remarried in 1920 and is now Mrs. John Himmelman. The evidence discloses that her present husband is now insane and confined in an institution, and that his wife supports herself by her own labours, and presumably may look to her son, who is now of age, for assistance. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment to the claimant, Mrs. John Himmelman, of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the son, Anson Mosher, now of age, no claim is made.

**E. CHARLES PUBLICOVER—MEMBER OF CREW.**

The deceased, a Canadian, left a widow and two children, Geraldine, aged 18 years at the time of her father's death, and Otto, aged 12 years at that time. The widow did not remarry. Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend a payment to the widow, Eliza Publicover, of \$2,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the two children, there is no evidence of dependency in regard to the daughter, who was 18 years of age at the time of her father's death. The son, who is now of age, makes no claim.



**F. MILLEDGE CONRAD—MEMBER OF CREW.**

The deceased, a Canadian, left a widow and two children, Collins Amos Jonas, aged 2 years and 10 months at the time of his father's death, and Ralph Lorenzo Conrad, aged 1 year at the same time. The widow remarried a brother of the deceased, Lorenzo Conrad, on June 17, 1922. Claim is made by the widow of deceased as well on her own behalf as for her two minor children. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment to the widow, Cora Conrad, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the two children, still minors, I would recommend payment of \$1,500 each, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment, payable to their legal guardians, in accordance with the laws of Nova Scotia.

**G. JOHN McLEOD—MEMBER OF CREW.**

The deceased, a Canadian, left a widow and three children, Susie McLeod, aged 14 years at the time of her father's death, Ross McLeod, aged 10 years, and Horace McLeod, aged 7 years at the same time. Another son of the deceased, Calvin McLeod accompanied his father aboard the *Otokio*, and lost his life at the time of her disappearance. The widow did not remarry. Claim is made by the widow on the ground of dependency. It will be observed that the three children are now of age. They have not presented separate claims and I cannot regard them as "surviving dependents" within the meaning of the Treaty of Versailles (Annex, Sec. 1—pp. 11, Interim Report). Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend a payment to the widow, Rosena McLeod, of \$2,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

**H. CALVIN McLEOD—MEMBER OF CREW.**

The deceased, a Canadian, was a son of John McLeod, also a member of the crew of the *Otokio*. Deceased was unmarried. Claim is made by the mother, Rosena McLeod, on the ground of dependency. The record does not disclose that claimant was dependent upon her son, her claim being in respect of the loss of her husband, for which she is receiving an award. The claim cannot, therefore, be allowed.

**I. CHARLES ACKER—MEMBER OF CREW.**

The deceased, a Canadian, was unmarried, but left a mother, by whom claim is made, on the ground of dependency. Her husband, Nathaniel Acker, died in 1924, but had been unable to work, through illness, for 12 years before his death, and claimant alleges that she supported him by her own work. This fact is corroborated by the evidence of a neighbour. The deceased contributed to the support of his mother. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend payment to the mother of the deceased, Eunice Acker, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

**J. JOHN FREDERICK BURKE—MEMBER OF CREW.**

The deceased, a Canadian, left a widow and one child, Jean Winifred, born a few weeks previous to the death of her father. The widow, who remarried on March 15, 1920, Spurgeon Meisner, died on April 17, 1927. Claim is made by Spurgeon Meisner, the child's stepfather, on her behalf as a dependent of the deceased. The dependency is established. Having regard to all the circum-



stances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment, payable to the legal guardian of the minor, Jean Winifred Burke, in accordance with the laws of Nova Scotia.

K. WALLACE RITCEY—MEMBER OF CREW.

The deceased, a Canadian, was unmarried. Claim is made by his mother, Rosetta Ritcey, on the ground of dependency. It appears from the record that claimant had remarried previous to the death of her son. The claim, on the ground of dependency, is not pressed, and could not be maintained.

L. ELWOOD NAUSS—MEMBER OF CREW.

The deceased, a Canadian, left a widowed mother, who now makes claim on the ground that deceased was her sole support. Deceased was unmarried. Claimant's husband died in September, 1918, as the result of injuries sustained in 1917. The evidence establishes that claimant was partly dependent upon her son. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment to claimant, Antoinette Nauss, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

M. STEPHEN SMELTZER—COOK.

The deceased, a Canadian, was cook aboard the *Otokio*. He would appear to have left a widow, Letitia Smeltzer, who, however, died on October 8, 1924. Claim is now made by Harris Smeltzer, as administrator of the estate of Stephen Smeltzer and heir-at-law of the late Letitia Smeltzer. It is evident that there can be no claim on the ground of dependency, the widow of deceased having died; any claim she may have had is not transmitted to her estate.

N. JAMES A. ALLISON—MEMBER OF CREW.

The deceased, a Canadian, was unmarried, but left surviving him a father and mother. Claim is now made by the father on the ground of dependency. It is proved that claimant was ill and unable to work for many years and was supported, in part at least, by his son. I think it is only reasonable to suppose that deceased would have continued to support his indigent parents. Upon the whole and bearing in mind the amount already received, as above pointed out, I would recommend a payment to James Allison of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, February 11, 1933.

## CIVILIAN CLAIMS

Case No.	Claimant	Nature of Claim	Amount claimed	Decision
2325	Anderson, August.....	Loss of personal effects on schooner <i>Wallena Gertrude</i> , sunk July 21, 1917.	Unstated...	Dismissed.
2327	Anderson, Robert Nelson.....	Loss of personal effects and solatium <i>re ss. Dundee</i> , sunk Jan. 31, 1917.	\$1,008.25...	\$800.00 interest from Jan. 10, 1920.
2392	Booth, John.....	Loss of personal effects and solatium <i>re ss. Crispin</i> , sunk March 29, 1917.	Unstated...	\$500.00 interest from Jan. 10, 1920.
2314	Breen, Miss Hattie B.....	Loss of life of brother.....	Unstated...	Dismissed.
2737	Brown, Edward W., Estate of	Loss of personal effects on schooner <i>Lillian H.</i>	Unstated...	Dismissed.
2366	Brown, W. A.....	Loss of personal effects on schooner <i>A. Piatt Andrews</i> , sunk August, 20, 1918.	Unstated...	Dismissed.
2513	Crooks, Capt. Arthur.....	Loss of personal effects on schooner <i>Bessie A. Crooks</i> , sunk in January, 1917.	\$875.00.....	\$700.00 interest from Jan. 31, 1917.
2385	Enslow, Ellen.....	Loss of personal effects and solatium of deceased son on <i>ss. Cairngowan</i> , sunk April 20, 1916.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2675	Frazier, John.....	Loss of personal effects and solatium <i>re schooner Reliance</i> , sunk August 10, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2746	Gilmore, Harry.....	Loss of personal effects and solatium <i>ress. Mount Temple</i> , sunk December 6, 1916.	Unstated...	\$1,200.00 interest from Jan. 10, 1920.
2736	Hawx, Capt. Frederick G.....	Loss of personal effects on schooner <i>Lillian H.</i> , sunk January 17, 1917.	\$285.00.....	\$285.00 interest from Jan. 17, 1917.
2789	Jardine, Charles H.....	Personal injury on <i>ss. Hesperian</i> , sunk Sept. 4, 1915.	\$5,000.00...	Dismissed.
2316	Keitley, Mrs. Minnie G.....	Loss of personal effects on <i>ss. Hesperian</i> , sunk September 4, 1915.	\$286.10.....	\$286.10 interest from Sept. 4, 1915.
2534	Le Vatte, Reginald.....	Personal effects and solatium <i>re ss. Morwenna</i> , sunk May 26, 1915.	Unstated...	\$500.00 interest from Jan. 10, 1920.
2389	MacDonnell, James R., Estate of	Loss of personal effects of deceased and solatium <i>re schooner J. J. Flaherty</i> , sunk August 25, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2743	Marshall, William Wallace.....	Personal effects and solatium <i>re ss. Gardepee</i> sunk October 10, 1916.	Unstated...	\$500.00 interest from Jan. 10, 1920.
2369	McPherson, John.....	Loss of personal effects on <i>ss. Knutsford</i> on July 22, 1916.	Unstated...	Dismissed.
2349	Moorrees, John Pieter G., Estate of	Loss of personal effects of deceased and solatium <i>re schooner Mayola</i> , sunk Feb. 16, 1917.	Unstated...	\$700.00 interest from Jan. 10, 1920.
2800	Morgan, Ernest Adrian, Estate of (two claimants).	Loss of life of deceased on schooner <i>Verna M. Lohnes</i> , sunk on Sept. 9, 1918.	Unstated...	\$2,000.00 each interest from Jan. 10, 1920.
2391	Muise, William.....	Loss of personal effects on schooner <i>J. J. Flaherty</i> , sunk August 25, 1918.	Unstated...	Dismissed.
2343	Murry, Alfred.....	Loss of personal effects and solatium <i>re schooner Muriel</i> , sunk August 3, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2676	Myett, Richard, Estate of....	Loss of personal effects of deceased and solatium <i>re schooner Reliance</i> , on August 10, 1918.	\$600.00.....	\$600.00 interest from Jan. 10, 1920.
2798	Ramsay, George.....	Loss of personal effects on <i>ss. Demeterion</i> , sunk March 13, 1917.	Unstated...	Dismissed.
2324	Sjogren, Karl.....	Loss of personal effects on <i>ss. Largo</i> .	Unstated...	Dismissed.
2333	Snow, Leonard.....	Loss of personal effects and solatium <i>re schooner Laura</i> , sunk April 25, 1917.	Unstated...	\$600.00 interest from Jan. 10, 1920.

Case No.	Claimant	Nature of Claim	Amount claimed	Decision
2390	Watt, James.....	Loss of personal effects on schooner <i>J. J. Flaherty</i> , sunk Aug. 25, 1918.	Unstated...	Dismissed.
2726	Wesley, Charles.....	Loss of personal effects and solatium re schooner <i>Lillian H.</i> , on January 17, 1917.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2388	White, Leo, Estate of.....	Loss of personal effects of deceased and solatium on schooner <i>J. J. Flaherty</i> , sunk August 25, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2701	Williams, Charles E.....	Loss of personal effects on schooner <i>Rob Roy</i> , sunk August 3, 1918.	Unstated...	\$250.00; no interest.
2350	York, William, Estate of.....	Loss of life of deceased on ss. <i>Lusitania</i> .	Unstated...	Dismissed.

Total..... 30

### CASE 2325—AUGUST ANDERSON

This claim arises out of the destruction of the three masted schooner *Wallena Gertrude*, by enemy action, on July 21, 1917, off Santa Maria, Azores. The loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of a previous award (Case 2326).

The claimant was employed as cook aboard the vessel and makes claim for the loss of his personal effects. It appears from claimant's testimony that he is not a British subject although he had been resident in Canada for many years. He was of Norwegian birth and never became naturalized in this country. Since the date of the hearing his attorneys have advised that claimant died suddenly on November 29, 1932, at Parrsboro, N.S.

In the circumstances, it is impossible to reach a finding in favour of claimant's estate. As an alien, claimant had no standing before the Commission and his claim failed. On the whole, neither the claimant nor his estate is entitled to make claim for loss of personal effects and solatium. The claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 15, 1932.

### CASE 2327—ROBERT NELSON ANDERSON

This claim arises out of the destruction of the ss. *Dundee*, on January 31, 1917, by enemy action, 10 miles N. by W. from St. Ives Head, Cornwall, with loss of one life. The loss of the vessel, in the manner indicated, is established by Admiralty reports and certificate from her owners, which moreover attests the fact that claimant was aboard, as Master, at the time of the loss.

The claimant, a Canadian, makes claim for the loss of his personal effects, navigation instruments and a sum of cash which he declares to have been in the ship's safe when she went down. The claim is stated at the sum of \$1,008.25, of which amount \$615 was in cash. As to this latter item, it has not been shown that this money was the personal property of claimant. It would rather appear to have been the property of his employers.

Claimant has established the essential elements to substantiate his claim and I consider that he is entitled to an award upon the same basis as Master



Mariners in the Merchant Service. Disregarding the claim for cash lost, and dealing with the case upon the basis of the scale awards referred to in Opinion No. 3 to my Interim Report, I would recommend a payment to claimant of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

### CASE 2382—JOHN BOOTH

This claim arises out of the destruction of the ss. *Crispin*, by enemy action, on March 29, 1917, off Hook Point, with the loss of lives. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports, and the presence of claimant aboard as an able seaman has also been proven.

Claimant is a British subject, born in England. In his statement of claim, and at the hearing, he declared that he had come to Canada to reside in 1922, and for this reason the claim was disallowed for want of jurisdiction (see Opinion No. 1 to my Interim Report). Since that time claimant has alleged that he had become resident in Canada in April, 1917, at Minto, New Brunswick, where he worked as a miner and that he went to sea on June 5, 1917, signing Canadian articles as an A.B. He contends that these circumstances, coupled with his stated intention of remaining a resident of Canada, establish a residence which qualifies his claim for consideration by this Commission. Claimant has been successful in establishing that he became resident in Canada prior to January 10, 1920, and I therefore consider that his claim should be treated on the same basis as other seamen in the Merchant Service. He claims for loss of personal effects and the usual solatium. I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, February 6, 1933.

### CASE 2314—MISS HATTIE B. BREEN

Notice of claim was given by the above named claimant, apparently based upon the loss of the lives of her two brothers who served, during the war, in the Navy, and upon whom she was partially dependent. Claimant was advised that this Commission could not entertain such a claim and she has pursued the matter no further, although given notice that she might appear before the Commission at its Halifax sessions on June 18, 1932. For purposes of record the claim is regarded as withdrawn.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 5, 1933.

**CASE 2737—EDWARD W. BROWN, Estate of**

Notice of claim was received on behalf of the Estate of the late Edward W. Brown, who was master of the schooner *Lillian H.* when she was destroyed by enemy action. The claim was filed for loss of personal effects and the usual solatium. It has since developed that the deceased had become an American citizen before the date of the loss, and notice of withdrawal of the claim has been given by his attorney. The claim is, accordingly, regarded as withdrawn.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.

**CASE 2366—W. A. BROWN**

This claim arises out of the destruction of the United States fishing schooner *A. Piatt Andrews* by enemy action on August 20, 1918, off the coast of Nova Scotia. The fact of the loss of the vessel, in the manner indicated, has been established by Report of the United States Mixed Claims Commission, and her loss has been the subject of previous awards (Case 1639 and others).

The claimant was cook aboard the vessel and lost his personal effects when the vessel went down. He now makes claim for the value thereof and the usual solatium. It is shown by the crew list, furnished by the United States Mixed Claims Commission, that claimant was aboard at the time stated. Claimant did not appear before the Commission, but alleges that he was Canadian born but is now naturalized as a citizen of the United States. The date of his naturalization is not shown. When advised of this fact claimant produced another sworn affidavit that he had never become a citizen of the United States.

In these circumstances, in the absence of better evidence of citizenship, I am unable to entertain the claim. Claimant cannot, when it serves his interest, thus alter a previously sworn statement. The claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 20, 1932.

**CASE 2513—CAPTAIN ARTHUR CROOKS**

The claim arises out of the loss of the three masted sailing schooner *Bessie A. Crooks*, destroyed by enemy action in January 1917. The fact of her loss, in the manner indicated, was determined in previous decision contained in my Interim Report (Case 1857, p. 53).

The claimant was master and part owner of the vessel, but did not sail aboard her upon the ill-fated voyage, due to illness at home. She sailed with Captain F. H. Walley, as Master (Case 1908). Claimant, a Canadian, now advances claim for the loss of his personal effects and navigating equipment which were aboard the vessel when she sailed and was lost. He claims a sum of \$875, as the value of such property loss. It is satisfactorily established that claimant's effects were, in fact, aboard the vessel.

Applying the principles states in Opinion No. 3 to my Interim Report, I am of opinion that claimant is entitled to an award for loss of personal effects. I

find the amount somewhat high in the circumstances, and would recommend a payment to claimant of \$700, with interest thereon, at the rate of 5 per cent per annum, from January 31st, 1917, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 17, 1932.

### CASE 2385—ELLEN ENSLOW

This claim arises out of the destruction of the ss. *Cairngowan*, by enemy action, on April 20th, 1916. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports and certificate of her owners.

At the time of her loss one, Nathan Enslow, a Canadian, was serving aboard as a seaman. Nathan Enslow is now deceased and claim is made by his mother for the value of the effects lost by her son, and the usual solatium. The deceased was unmarried and died intestate. His presence aboard is proven by the statements of other members of the crew and certificate from owners. It appears that Enslow had also been aboard the *Mayola* when she was destroyed by enemy action at a later date. An award was made in his favour by my predecessor, Mr. Friel (Case 6).

I consider, however, that his Estate is entitled to the usual award for loss of personal effects and solatium. There has been filed in the record an assignment in favour of their mother by the brothers and sisters of deceased of their interest in the intestate succession of their brother. In these circumstances, I consider that the award should be made to the mother, rather than to impose upon these needy people the cost of obtaining administration of deceased's Estate. I would, accordingly, recommend a payment to Mrs. Ellen Enslow of \$600, covering the loss to her deceased son (See Opinion No. 3 to my Interim Report), with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 17, 1932.

### CASE 2675—JOHN FRAZIER

This claim arises out of the destruction of the United States fishing schooner *Reliance*, by enemy action, on August 10, 1918, on Georges fishing banks. The fact of the loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, which Tribunal granted an award to the vessel's owners on November 11, 1925.

Claim is now made by the above named claimant, who alleges that he was a member of the crew and lost his personal effects when the vessel was lost. He also claims the usual solatium. Claimant did not appear before the Commission, but documentary evidence has been produced establishing that he was aboard at the time of her loss, that he was apparently and still is a British subject, born in Nova Scotia, and that he took to the boats with other members of the crew. There is some confusion as to his name, which has become anglicized, but I am satisfied that claimant's identity has been properly established.

In these circumstances, I am of opinion that claimant is entitled to an award upon the same basis as other fishermen claimants (See Opinion No. 3 to



my Interim Report). I would, accordingly, recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

### CASE 2746—HARRY GILMORE

This claim arises out of the destruction of the ss. *Mount Temple* on December 6, 1916, by enemy action. The loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of numerous awards by previous Commissioners, and several decisions by myself (Case 1641, J. Lacasse, p. 71, and Case 1197—Boulton, p. 68, Interim Report).

Claimant, a Canadian born, shipped on board the ss. *Mount Temple* at Montreal, November 29, 1916, in the capacity of horseman. His presence on board the vessel at the time of loss is established by a letter from the General Superintendent of the Canadian Pacific Steamships, Limited, which recites "The only Hary Gilmore I can find in my records for this ship is one signed in as horseman. After the vessel was lost he was taken with the rest of the crew to a German prison and there exchanged and proceeded back to New York from whence he was repatriated to Montreal." This office had no knowledge of Gilmore as a horseman on the vessel as in his statement of claim he stated he was a fireman. It has now been established that he signed on as a horseman but worked as a fireman when the stoking crew became short handed. After capture, he, with others, was eventually landed at Swinemunde and finally reached Brandenburg. He remained here for 23 months and was repatriated to England after the Armistice.

His claim is for loss of clothing, cash and wages, and no allegation of injury is made.

I am satisfied that claimant was a member of the crew of the ss. *Mount Temple* in the capacity of horseman and fireman, and under the circumstances I consider that he is entitled to the same consideration as that given to other claimants who suffered the same loss and internment without personal injury.

The claim for loss of personal effects and solatium can best be dealt with under a lump sum award for internment. I would therefore recommend that payment be made to the claimant of the sum of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 24, 1933.

### CASE 2736—CAPTAIN FREDERICK G. HAWX

This claim arises out of the destruction of the Canadian sailing vessel *Lillian H*, by enemy action, on January 17, 1917, off Old Head of Kinsale. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of previous awards (Cases 1682, 1939).

The claimant, a Canadian, was Master of the vessel, but did not sail aboard her on her last voyage. He had left his personal effects aboard and now makes claim for the value thereof. The fact that claimant had left his effects aboard

is proven by the affidavits of two members of the crew, Charles Rector and Augustus Olsen. There is also filed copy of the transcript of the vessel's registry showing that claimant was Master of the *Lillian H.*

Claimant has established the material allegations of his statement of claim and is entitled to an award upon the same basis as other fishermen claimants (See Opinion No. 3 to my Interim Report). There is, of course, no claim for the usual solatium. I would recommend a payment to claimant of the amount shown in his statement of claim, viz., \$285 with interest thereon, at the rate of 5 per cent per annum, from January 17, 1917, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 20, 1932.

### CASE 2789—CHARLES H. JARDINE

This claim arises out of the destruction of the ss. *Hesperian*, by enemy action, on September 4, 1915, in circumstances which are well known. The loss of the vessel has been the subject of many previous awards.

Claimant's mother received an award from the previous Commissioner (Case 968). The present claimant, then aged 7 years, was accompanying his mother and was taken by her into the boats with another minor child. The present claimant now makes claim, in the sum of \$5,000, for injury to health, alleged to be due to exposure in the boats on the occasion in question. In support of his claim he produces the certificate of a physician, from which I quote as follows: "For about 5 years Jardine, C. H., is nervous and irritable. He thinks he would be in better health had he not been in torpedoed boat———. He thinks he is unable to do his work without more fatigue than he should." The mother advanced no claim on behalf of her children, and it is scarcely likely that any injury to their health should have occurred. It is also quite evident, at this late date, that claimant could not establish any connection between his present state of health and exposure at the time of the loss of the vessel.

It is unnecessary to pursue the matter further. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 5, 1933.

### CASE 2316—MRS. MINNIE GERTRURE KEITLEY

This claim arises out of the destruction of the ss. *Hesperian* on September 4, 1915, by enemy action. The loss of the vessel, in the manner indicated, is established by Admiralty Reports and her loss has been the subject of many previous awards.

The claimant was a passenger aboard the vessel (2nd cabin) and was coming out to Canada to be married. She lost her personal effects, to a stated value of £58.17.4 (equivalent at par of exchange to \$286.10). The passenger list, furnished by owners of the vessel, shows claimant (maiden name—M. G. Palmer) to have been aboard the vessel. Claimant later came to Canada aboard the *Scandinavian* and was married on October 5, 1915. Her husband died in April, 1920, and claimant returned to England to live.

Claimant has established the material allegations of her statement of claim and is entitled to an award. I do not find the amount claimed excessive and would, accordingly, recommend a payment to her of \$286.10, with interest thereon, at the rate of 5 per cent per annum, from the date of loss, September 4, 1915, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

### CASE 2534—REGINALD LEVATTE

This claim arises out of the destruction of the ss. *Morwenna*, by enemy action on May 26, 1915, off the coast of Ireland, with loss of life. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports and her loss has been the subject of previous awards (Cases 1163, 1648).

The claimant, a Canadian, was employed aboard as donkeyman and lost his personal effects, for which claim is now made, as also for the usual solatium. Claimant's presence aboard is proven by certificate of the Registrar General and corroborative statements of shipmates.

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other seamen in the Merchant Service. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment (Opinion No. 4 Interim Report).

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2389—JAMES R. MACDONNELL, Estate of

Notice of claim was received by letter dated May 25, 1931, from claimant's solicitor, advising that he intended presenting a claim on behalf of his client, who served as a cook on board the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine August 25, 1918. The proof of the loss of the vessel is supplied by a report given by the United States Mixed Claims Commission at Washington, which report also verifies the fact of the presence of the deceased on board at the time of loss, and that, further, he was not a citizen of the United States. These latter facts are further substantiated by letters from fellow members of the crew.

Information has been received that the claimant is now deceased and that steps are now being taken to secure administration of his estate. For the reasons expressed in Opinion No. 3 to my Interim Report I consider that the estate is entitled to the usual award for the loss of personal effects and solatium. I would, accordingly, recommend payment to the estate of James R. Macdonnell, deceased, of \$600 covering loss of personal effects and solatium, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.



**CASE 2743—WILLIAM WALLACE MARSHALL**

This claim arises out of the destruction of the ss. *Gardepee*, by enemy action, on October 10, 1916, off the coast of Norway. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports and certificate of her owners.

Claimant, a Canadian, was aboard the vessel at the time of her loss in the capacity of First Mate, as is shown by certificate of her Master and letter from owners, filed of record. He now makes claim for the loss of his personal effects and the usual solatium.

While the claimant did not appear before the Commission, the documentary evidence produced establishes the essential facts. Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other seamen claimants in the Merchant Service. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 5, 1933.

**CASE 2369—JOHN McPHERSON**

This claim arises out of the destruction of the ss. *Knutsford*, by enemy action on July 22, 1916. The fact of the loss of the vessel, in the manner indicated, is established by certificate of the Registrar General of Shipping and Seamen, which also attests the presence of claimant aboard, as an able seaman.

The claimant now resides at Swansea, South Wales, and declares, in his statement of claim, that he was born in Prince Edward Island, in 1878. He adds that he received an award from the British Reparations Commission of £33, which is confirmed by enquiries made in England. Claimant qualified before the British Reparations authorities and was given an award for the loss of his personal effects. It is, moreover, declared that while claimant stated he had been born in Prince Edward Island, he was found to have acquired a domicile of choice in the United Kingdom. In these circumstances, claimant is without standing before this Commission, and the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

**CASE 2349—JOHN PIETER G. MOORREES, Estate of**

This claim arises out of the destruction of the fishing schooner *Mayola*, by enemy action, on February 16, 1917. The loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has already been the subject of previous awards (Cases 1 to 6, Friel Report).

The late John Pieter Gerhardus Moorrees, who died on January 26, 1926, was originally a Dutch citizen, resident in Canada, who enlisted in the Canadian Expeditionary Forces on April 17, 1915, served in France with the 13th Battalion, and No. 1 Field Ambulance and was discharged as medically unfit on June 3, 1916, in Canada. He subsequently (June 6, 1919) became naturalized as a British subject in Canada. The foregoing facts are proven by documentary evidence filed of record.

It is also proven, by documentary evidence, that the deceased was serving as Mate aboard the *Mayola* at the time of her loss. Claim is now made by a sister of deceased, alleging that she is the sole surviving heir at law of her brother, for the value of his personal effects and the usual solatium. The evidence of heirship in the claimant has not been satisfactorily proven and any award must, accordingly, be made to the Estate of the deceased.

I am, however, of opinion that the claim for loss of personal effects and solatium is valid, and, applying the principles stated in Opinion No. 3 to my Interim Report, I would recommend a payment to the Estate of the late John P. G. Moorrees of \$700, with interest thereon at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 17, 1932.

Commissioner.

**CASE 2800—EARNEST ADRIAN MORGAN (deceased)**

This claim arises out of the destruction of the schooner *Verna M. Lohnes*, on or about September 9, 1918, by enemy action. The loss of the vessel, in the manner indicated, is established by decisions of the previous Commissioner (See Friel Report pp. 91 et. seg). At pp. 92 of the Report, the Commissioner makes the following observation: "The dependents of ———— and E. Morgan, Cape Breton, 31, cook, presumably Canadians, are entitled to compensation which can be assessed when we get further information."

Claim is now made on behalf of the two minor children of the deceased for loss and damage resulting from the death of their father. A claim had already been presented (Case No. 1562) on behalf of a sister of deceased's mother, but was disallowed by the previous Commissioner on the ground that no dependency had been shown. It appears also that the deceased's widow (maiden name Gertrude Clyburne) remarried, and died on December 18, 1931.

The record consists of documentary evidence. Certificate of marriage of the late E. A. Morgan and the late Gertrude Clyburne is produced, evidencing their marriage on November 27, 1912. Both are shown to be British subjects by birth, and resident in Nova Scotia. Certificate of the birth of William James Morgan at Albion Mines, N.S., on April 30, 1913, issue of the marriage referred to, is filed of record, and another child was also born, issue of this marriage, on January 14, 1915, at Stellarton, N.S., named Robert Bruce Morgan. While no certificate is produced as to the birth of this child, the fact has been satisfactorily proved. The deceased enlisted in the Canadian Expeditionary Forces on October 27, 1915, then being a resident of Isaac's Harbour, N.S. The family later resided at Trenton, N.S.

At the time deceased lost his life he was cook aboard the *Verna M. Lohnes*, earning \$90 per month. His minor children were then aged 5 and 3 years respectively. The children were brought up by their mother.

In these circumstances, the claim made on behalf of the two minor children appears to have been established. For reasons which have been explained in Opinion No. 2 to my Interim Report, I consider that claimants are entitled to awards for damage resulting from the loss of their father's life. I would, accordingly, recommend payment to the legal guardians of the said William James Morgan and the said Robert Bruce Morgan, of the sum of \$2,000 each, with interest upon these sums, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,

OTTAWA, January 23, 1933.

Commissioner.

**CASE 2391—WILLIAM MUISE**

Notice of claim was received by letter, dated May 25, 1931, from claimant's solicitor, advising that he intended presenting a claim on behalf of his client, who was a member of the crew of the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine, August 25, 1918. No further steps were taken in the matter, until by letter dated January 14, 1932, the solicitor advised that the claim was withdrawn.

The case is therefore dismissed for lack of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

**CASE 2343—ALFRED MURRY**

This claim arises out of the destruction of the United States fishing schooner *Muriel*, by enemy action on August 3, 1918, off Seal Island, Shelburne County, N.S. The fact of the loss of the vessel, in the manner indicated, has been established in a number of earlier decisions (Cases 1647, 1609, etc.).

The claimant, a Canadian, was a fisherman aboard the vessel and now makes claim for the loss of his personal effects and the usual solatium. His presence board, at the time of the loss, is proven by the crew list furnished by the United States Mixed Claims Commission and affidavit of a shipmate.

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other fishermen claimants. I would, accordingly, recommend payment to him of \$600 for loss of personal effects and solatium, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 15, 1932.

**CASE 2676—RICHARD MYETT, Estate of**

This claim arises out of the destruction of the United States fishing schooner *Reliance*, by enemy action, on August 10, 1918, on Georges fishing banks. The fact of the loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, which tribunal granted an award to the vessel's owners on November 11, 1925.

Claim is now made by the duly appointed Administratrix to the Estate of the above named deceased, in the sum of \$600, for loss of personal effects abandoned when the vessel went down, as also for loss of time due to the frustration of the voyage. The late Richard Myett died on April 21, 1923, at Gloucester, Mass. It is established that he was a British subject, born in Nova Scotia. The evidence also proves that he was aboard the vessel when she was lost and was unable to remove his personal effects before taking to the boats with other members of the crew.

I find that decedent's estate is entitled to receive the sum which would have been payable to him had he advanced the claim in his lifetime, upon the same basis as other fishermen claimants. I would, accordingly, recommend a payment to the Estate of the late Richard Myett of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment (Opinion No. 3 to Interim Report).

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.



**CASE 2798—GEORGE RAMSAY**

Notice of claim was received from the above named claimant, who served as an apprentice aboard the ss. *Demeterton* (sic) alleged to have been sunk by the German raider *Moewe*, on March 13, 1917. Claimant was taken prisoner and interned in Germany until November 23, 1918. It developed during the correspondence that claimant is a British subject, who first became resident in Canada on July 6, 1920. He has been advised that this Commission is without jurisdiction to entertain the claim, for reasons which have been explained in my earlier reports. The claim has not been further pressed, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.

**CASE 2324—KARL SJOGREN**

Notice of claim was received on behalf of the above named claimant, who has completed the usual documents of claim. It appears that he is of Swedish nationality and served aboard the ss. *Largo*, as also the ss. *Lorelei*, as an A.B., when these vessels are declared to have been destroyed by enemy action. Claim is made for loss of personal effects. No evidence in substantiation of the claim has been made. Claimant was notified through his attorney, that his claim would be heard at the sessions of the Commission, at Halifax, on June 18, 1932. He did not appear and his default remains unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 5, 1933.

**CASE 2333—LEONARD SNOW**

This claim arises out of the destruction of the schooner *Laura*, sunk by enemy action on April 25, 1917, 200 miles off the South West coast of Ireland. The fact of the loss of the vessel, in the manner indicated, is established by finding of the previous Commissioner and award to her owners (Friel Report pp. 73).

The claimant, a British subject, born in Newfoundland but resident in Canada since 1907, was a seaman aboard the vessel at the time of her loss, and now makes claim for the value of his personal effects and the usual solatium. He has successfully proven his presence aboard, in the quality stated, by his own testimony, supported by certificate from owners of the vessel.

Applying the principles stated in Opinion No. 3 to my Interim Report, I regard claimant as entitled to an award upon the same basis as other seamen in the Merchant service. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment (Opinion No. 4, Interim Report).

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 15, 1932.

**CASE 2390—JAMES WATT**

Notice of claim was received by letter, dated May 25, 1931, from claimant's solicitor, advising that he intended presenting a claim on behalf of his client, who was a member of the crew of the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine August 25, 1918. No further steps were taken in the matter, until by letter dated January 14, 1932, the solicitor advised that the claim was withdrawn.

The case is therefore dismissed for lack of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

**CASE 2726—CHARLES WESLEY**

This claim arises out of the destruction of the Canadian sailing vessel *Lillian H.* by enemy action, on January 17, 1917, off Old Head of Kinsale. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of previous awards (Cases 1682, 1939).

The claimant, a Canadian, was a member of the crew and makes claim for the loss of his personal effects, loss of wages and the usual solatium. His presence aboard, at the time of the loss, is proven by certificate of the Shipping Master, at Parrsboro', N.S., supported by the affidavits of two shipmates, Charles Rector and Augustus Olsen (See Case 2736).

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other fishermen claimants. The claim for loss of wages cannot be entertained but I would recommend a payment to claimant, as covering loss of personal effects and solatium, of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 20, 1932.

**CASE 2388—LEO WHITE, Estate of**

This claim arises out of the destruction of the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine on August 25, 1918, off Miquelon Island. The loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, and her loss has already been the subject of awards made to Canadian members of the crew (Cases 1668, 1687, 652, 666).

The late Peter Leon Leblanc (Leo White) is certified by owners to have been a member of the crew and is also noted as such in report of the Mixed Claims Commission. His presence aboard is also established by affidavits of other members of the crew. While known as Leo White, it is quite definitely proven that he was baptized as Peter Leon Leblanc, in Nova Scotia, and is the son of his aged parent who now makes claim for the loss of his son's personal effects and the usual solatium. It appears that the deceased lost his life some time after the sinking of the *J. J. Flaherty*. He died intestate and unmarried and I am informed that under the law of Nova Scotia his father and mother would be his heirs.

I regard the claim for loss of personal effects and solatium as well founded, and, upon the principles declared in Opinion No. 3 to my Interim Report, I would recommend a payment to Peter Leblanc, the claimant's father, of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 15, 1932.

*Commissioner.*

NOTE—In this case I direct the payment to the deceased's father rather than to the estate, because these aged and needy people can scarcely afford the cost of taking out administration of deceased's estate.

### CASE 2701—CHARLES E. WILLIAMS

This claim arises out of the destruction of the United States fishing schooner *Rob Roy*, sunk by enemy action on August 3, 1918, fifty miles off Cape Sable. The loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, and her loss has been the subject of previous awards (Cases 1619 and 1642).

The claimant, a Canadian, while a member of the crew of the vessel, was not aboard her at the time of the loss. He had missed the voyage in question. He now makes claim for the value of his personal effects, which had been left aboard and were lost when the vessel went down. The fact that his effects were aboard is proven by the affidavits of several shipmates.

Applying the principles stated in Opinion No. 3 to my Interim Report, I am of opinion that claimant is entitled to an award for loss of personal effects upon the same basis as other fishermen claimants. Since claimant did not appear before the Commission and has not otherwise shown that he is still a Canadian citizen, I am not disposed to allow any interest. I would recommend a payment to claimant of \$250 without interest.

ERROL M. McDOUGALL,

OTTAWA, December 20, 1932.

*Commissioner.*

### CASE 2350—WILLIAM YORK, Estate of

This claim arises out of the destruction of the ss. *Lusitania*, by enemy action, in circumstances which are well known.

The claimant is the widow of the late William York, who was a third class passenger aboard the vessel at the time of her loss. He is stated to have come from Brantford, Ontario, and the fact of his presence aboard the *Lusitania*, and the loss of his life when the vessel went down, is proved by certificate of the owners. It seems that claimant and her deceased husband were born in England and were resident in Canada before the war. Mrs. York now resides in England and presented a claim before the British Reparations Claim Department. Award was made in her favour in January, 1925. It moreover appears that she also received an allowance out of the *Lusitania* Disaster Fund, constituted in 1915.

In these circumstances, the claim has been dealt with by the British authorities, and I do not consider that claimant has shown that she comes within the jurisdiction of this Commission. For this reason, the claim as here presented, must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 23, 1933.

*Commissioner.*



## MISCELLANEOUS CASES

Applications have been received in some cases for reconsideration of cases already disposed of either by the previous Commissioner, or by earlier reports of this Commission. In most cases claimants have been advised that there is no authority to reopen cases already disposed of. Where, however, fresh evidence has been submitted, the cases have been reviewed with a view to determining whether any substantial injustice has occurred. The files have been carefully read and it has been found that there is no reason to adopt any further action, either because the original awards were adequate or because the new evidence adds nothing further. In order that the files may be definitely closed, the cases so receiving further consideration are disposed of as follows:—

1. 1604—JOHN AGNEW—Claim not subject to consideration by Reparations Commission. Dealt with by Dr. Pugsley.
2. 1401—ARTHUR J. CHAMBERS—Claim dealt with by Mr. Friel. No authority to reopen. Award adequate. Claimant's attorney so advised at hearing.
3. 994—LEITH CLOW—Claim dealt with by Mr. Friel. No authority to reopen.
4. 1638—CHARLES KENNAUGH—Additional amount claimed on ground further evidence shows greater loss than originally shown. Award found adequate.
5. 972—NORMAN R. MILLAR—Claim dealt with by Mr. Friel. No authority to reopen.
6. 1602—JOSHUA WARWICK—Claimant cannot be located. Case dealt with by Mr. Friel.
7. 1360—FRANCIS WATERS—Claim dealt with by Mr. Friel. No authority to reopen.

ERROL M. McDOUGALL,  
*Commissioner.*

## AWARDS TO EX-MILITARY PRISONERS OF WAR

Case	Name of Claimant	Award	
		\$	cts.
2705	Ball, Frederick.....	600	00
2693	Ball, Robert Arthur.....	600	00
2707	Blythe, Samuel D.....	500	00
2784	Brown, Thomas West.....	500	00
2572	Cameron, Herbert Luther.....	500	00
2709	Dewdney, Thomas William.....	500	00
2372	Doyle, Gregory Edward.....	500	00
2756	Empey, Harold H.....	500	00
2650	Ferris, Samuel James.....	500	00
2697	Foster, Gordon.....	500	00
2711	Gallamore, Edward Thomas.....	600	00
2769	Gallant, Frederick.....	500	00
2732	Griffin, Mansell James.....	500	00
2531	Hilderman, Fred.....	500	00
2712	Hitchman, Henry George.....	500	00
2750	Hockey, Reginald Herbert.....	600	00
2745	Jewson, Fred.....	500	00
2774	Jones, Sidney Percy.....	600	00
2730	MacKinnon, Alfred Neil.....	500	00
2540	McDonald, Malcolm.....	500	00
2654	Moore, Robert.....	500	00
2541	Peters, Duncan.....	500	00
2669	Richer, Edmund.....	500	00
2673	Riley, Charles Sidney.....	800	00
2536	Romer, Charles.....	500	00
2681	Salmon, John Arthur.....	500	00
2686	Smith, James.....	500	00
2706	Stowe, Edgar.....	500	00
2762	Sugden, Samuel Cecil.....	600	00
2658	White, Frank Samuel.....	1,000	00
2359	Woodley, Clifton Neil.....	500	00

Total..... 31

**AWARDS TO EX-MILITARY PRISONERS OF WAR****CASE 2705—FREDERICK BALL**

Claimant was a Private in the 15th Battalion—Regimental No. 27443. He enlisted in August, 1914, at the age of 19 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 21, 1918. He is not in receipt of pension, was married in September 1921 and has two children. Prior to enlistment, he was employed as an oiler on Marine vessels, earning \$60 per month and board and is now a street railway conductor, at about \$85 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, excessive labour, starvation, forced to work while ill, beatings and bad food.

An analysis of the evidence reveals:—

Claimant first spent three months at Gottingen, and received no medical treatment, although sick from the effects of gas. He was sent to the salt mines at Salsted, where he remained for three years and five months. The story of his treatment here is consistent with that of other prisoners who were in the salt mines, a recital of long hours of labour, frequent beatings for not doing enough work and several periods of solitary confinement. Being ill and unable to carry on effectively, he states he got many beatings and that his condition of weakness was enhanced by the poor quality of the food.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. G. E. Tanner, indicating duodenal ulcer, with a disability rated from 25 per cent to 50 per cent, and a further certificate by the same doctor, stating that he has been treating claimant for ten years for the above condition. The record is completed by a letter from S. W. Barrett, a fellow-prisoner, who corroborates his story as to treatment in the salt mines. Claimant's medical history files show nothing unusual. Included in the file is a statement made by claimant upon repatriation which largely bears out his testimony before the Commission.

Were it not for the fact that claimant spent over 3 years in the salt mines, I do not think the evidence as to present disability would justify a finding in his favour. His story of brutality and cruelty in the mines is similar to that told by other prisoners who had the misfortune to receive the same treatment, and I consider that claimant is entitled to the benefit of any doubt there may be. Having regard to the particular circumstances, I would recommend a payment to claimant of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1932.

**CASE 2693—ROBERT ARTHUR BALL**

Claimant was an Imperial soldier who served at a Private in the 2nd Norfolk Regiment—Regimental No. 7360. He first enlisted in December 1906, at the age of 19 years and rejoined the colours at the outbreak of war. He came to Canada to reside in October 1919. He was taken prisoner by the Turks in Mesopotamia April 29, 1916, unwounded. He was repatriated in November 1918 from Smyrna. He is not in receipt of pension and is unmarried. Prior to enlistment, he was a shoemaker, earning 14 shillings per week, and is now an hotel employee at \$50 per month and meals.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food and water, exposure, a blow on the nose and medical neglect, while ill with dysentery.

An analysis of the evidence reveals:—

Claimant was taken by the Turks and marched by the caravan route across the desert to Bagdad. He states he got but little food on the march, and was beaten because he could not keep up, due to illness from dysentery. His nose was injured by a blow. He received no medical attention. This march took about three months and at the end he was placed in a German hospital at Entilla, suffering with dysentery, beri-beri and malaria. He complains that while on the march he had to drink stagnant water. He moved along on another arduous march and reached Afion Kara Hissa where he again entered hospital. Here his condition improved. Six weeks prior to the Armistice, he was sent to an officers' camp to act as servant and was treated very well.

The medical record consists of a certificate by Dr. Ray J. Spence, who did not appear before the Commission, indicating chronic rhinitis with crust formation. Claimant's medical history files are not available.

This case is unusual in that it is the only claim presented by a prisoner held captive by the Turks. He tells a harrowing story of deliberate starvation and abuse whilst on the march across the desert and it is surprising that claimant is not more seriously disabled than he appears to be. So cruel was the treatment meted out by the Turks, the claimant and other prisoners welcomed the appearance of Germans, from whom they, at least, received some food. While the record as to disability is not entirely satisfactory, I am inclined to give the claimant the benefit of any doubt there may be. I find that he was subjected to maltreatment resulting in some disability and I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

### CASE 2707—SAMUEL D. BLYTHE

Claimant was a Private in the 4th C.M.R.—Regimental No. 109224. He enlisted April 7, 1915, at the age of 21 years and was taken prisoner June 2, 1916, suffering with a shrapnel wound in the right hand. He was repatriated to England January 4, 1919. He is not in receipt of pension, was married in March, 1919, and has one child. Prior to enlistment, he was a labourer, earning about \$3 per day and is now a railway car cleaner, at about \$4.25 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of attention to his wound, being forced to work with a swollen hand, beaten, overworked in a coal mine, starved and struck in the mouth with a bayonet, losing two teeth.

An analysis of the evidence reveals:—

Claimant first spent eleven months attached to Stendal camp, and states he received no attention for his wounded hand but was compelled to work. Being unable to continue at carrying ties, he was placed in the creosoting plant, where, he states, the skin of his face was burnt, through failure to supply him with a protective mask. He was then sent to a farm, where he worked from daylight to dark and was given only scraps of food. His hand became swollen and finally the shrapnel was removed by a Russian doctor, without anaesthetic. He was then sent to a second farm, at Merseburg, where the same long hours and overwork prevailed. He was finally sent to a coal mine at Gruber, where he



worked underground. Here he received three days' confinement for a trifling offence and was given neither bread nor water. He spent fifteen months at this mine and states that the place was alive with vermin, and, when ill with boils, he was routed out of bed, beaten and lost two teeth as the result of a blow from a bayonet in the mouth. His quarters were damp and his clothing inadequate and as a result he now suffers with rheumatism and stomach disorders.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. Mortimer Fleming indicating neurasthenia, rheumatism (arthritis) and impaired digestion. He fixes the disability at from 15 to 25 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Were it not for the fact that claimant spent 15 months of his period of captivity in the coal mines, I would not be disposed to regard his case favourably. Under the circumstances I have reached the conclusion that claimant was subjected to maltreatment. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

### CASE 2784—THOMAS WEST BROWN

The claimant was a Private in the P.P.C.L.I.—Regimental No. 51059. He enlisted December 22, 1914, at the age of 22 years and was taken prisoner June 2, 1916, suffering from contusions in the head and left shoulder and pelvis. He was repatriated to England January 2, 1919. He is in receipt of an 80 per cent disability pension, amounting to \$100 per month, based on neurasthenia. He was married in April, 1919, and has three children. Prior to enlistment, he was a telephone lineman, earning about \$2.50 per day, but is now unemployed and stated, at the hearing, that he hadn't done any work for about 10 years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of labour in the coal mines, being clubbed in the stomach with a rifle butt, tied to posts, received a blow on the head with rifle and had his ankle broken. He also states that his eyesight is failing.

An analysis of the evidence reveals:—

Taken to Aachen, claimant lay in hospital for four months and received but very little treatment. Then he was sent to the coal mines and being unable to carry on with the work, was tied to a wall by his legs and wrists for three hours daily. His wound was still open and painful. Next he was sent to Stendal, to another coal mine, where he remained over a year. A sentry hit him in the stomach and across the back of the head with a rifle. He also states that while he was lying on the ground a sentry broke his ankle with a rifle butt.

The medical record consists of a certificate of Dr. (name indecipherable) who did not appear before the Commission and who finds claimant greatly run down, neurasthenic and possibly a little mentally unstable. He fixes the disability at from 60% to 100%. A certificate from Dr. G. W. Knipe of Winnipeg, who did not appear before the Commission, indicates that he treated claimant from 1920 to 1923 for stomach disorders. Certificates as to character and present conditions are filed by friends. Claimant's medical history files confirm the condition of neurasthenia and infer very clearly that this is consequent upon his period of captivity.

This is another case coming from the coal mines and exhibiting marked signs of disability. Claimant's story is consistent with the evidence of cruelty

and brutality recounted by other prisoners who experienced internment in the coal mines. The medical evidence on claimant's pension files fully substantiates his claim to disability and I have no hesitation in reaching the conclusion that his present condition is, in part, at least, due to maltreatment whilst he was held a prisoner. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 9, 1933.

*Commissioner.*

### CASE 2572—HERBERT LUTHER CAMERON

Claimant was a Private in the 13th Battalion—Regimental No. 46818. He enlisted in August, 1914, at the age of 29 years and was taken prisoner April 26, 1915, during the second battle of Ypres, suffering from three shrapnel wounds in the legs. He was repatriated to England in December, 1918. He is in receipt of a 30 per cent disability pension, based on tuberculosis. He was married in February, 1919, and has four children. Prior to enlistment, he was employed as a coal miner, earning about \$6 per day, and is now doing light jobs, earning \$3.25 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure to wet weather, inadequately clad, of being tied to trees for 12 hour periods, that he was hit over the head with a rifle butt and had his nose split, was given solitary confinement for attempted escape and starved. He now suffers with sinus trouble, stomach disorders and tuberculosis.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he complains of lack of medical attention and poor food. Sent out on a working party, breaking stones, before his wounds had healed, he complains of the heavy work, rough usage and starvation and of being beaten with whips. He was tied to a tree for several hours for asking for food and later confined to cells for the same alleged offence. At Cassel camp, though examined and passed by the Swiss Commission as medically unfit, he was denied transfer and sent out on munitions work, which he refused to do, was tied up, beaten and confined as punishment. His head was split open from a blow from the butt of a rifle and on one occasion he was struck on the nose, breaking it. The scar of this blow is still visible. At a farm, and later at Langensalza, he complains of rough treatment and exposure while working. He now suffers with his nose and head and has a chest condition.

The medical evidence indicates that claimant suffers from chronic pulmonary tuberculosis, sinusitis and chronic bronchitis. In 1923, 1925 and 1930, his nose was operated upon to relieve an obstruction due to fractured nasal bones. He still suffers with sinusitis. Dr. F. E. Walsh, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the tubercular condition and chronic bronchitis and mention sinusitis.

I find from the evidence that claimant's story of a blow on the nose with resultant disability is borne out. As to his chest condition, I do not think this can be attributed to maltreatment and is properly a matter of pension. I was favourably impressed with claimant's testimony and conclude that he is entitled to an award for the nose injury which is attributable to maltreatment. I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 15, 1932.



## CASE 2709—THOMAS WILLIAM DEWDNEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 109307. He enlisted November 27, 1914, at the age of 21 years and was taken prisoner June 2, 1916, suffering from gunshot wound in the right arm, shrapnel in the shoulder and small pieces in the head and face, contusions and bruises on the legs. He was repatriated to England December 31, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on bronchitis. He was married in June, 1927, and has one child. Prior to enlistment, he was engaged in landscape gardening, at \$1,500 per annum, and is now following the same occupation, at about \$1,200 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been beaten, of long hours of labour, bad food, parcels stolen, exposure and of being forced to work while ill.

An analysis of the evidence reveals:—

While being treated at Cologne for his wounds, claimant received a beating for refusing to divulge information and was confined in the latrine for a week. He was then taken to Stendal and a few weeks later sent to Merseburg, working on the building of a chemical factory. Here, he received a beating with a walking stick, because he was unable to keep up with the work. During his three months' stay at this camp he states he received frequent beatings. He was next transferred to a coal mine at Mucheln (sic), where he remained nearly two years. The working hours varied from 12 to 18 hours depending on whether the allotted loadings were completed. Finally, he was compelled to remain in the mine for two months sleeping in an open tunnel which was cold and wet. He made two attempts to escape and received three weeks' solitary confinement as punishment in each case. He recites an instance of one beating in particular by two men, one armed with an iron shod stick and the other with a rifle, for not doing enough work. On another occasion, when stooping to pick up a derailed wagon, he received a kick from behind which caught him in the crotch and disabled him for two weeks. Upon reporting sick, possibly due to rheumatism, he was beaten and forced back to work. In the winter when going to the latrine at night, partly clad, the sentry would not let him back into the barrack and struck him with a club knocking him out. He has developed chronic bronchitis as the result of his experiences. He states that, at Madgeburg, he sustained several beatings at the hands of German recruits.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. C. Givens, indicating that claimant has been under his care since 1927 suffering from chronic bronchitis. He fixes the disability at 30 per cent. In a statement made upon repatriation, claimant recites the story of the killing of a fellow-prisoner but makes no mention of his own treatment.

As will be seen, claimant does not suffer any great disability, and, were it not for the fact that he spent nearly two years in the coal mines, I would not be inclined to regard his case favourably. In view of all the circumstances and other testimony available as to the harsh and brutal treatment accorded prisoners in these mines, I have reached the conclusion that claimant was subjected to maltreatment. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.



**CASE 2372—GREGORY EDWARD DOYLE**

Claimant was a Private in the 8th Brigade Machine Gun Company—Regimental No. 414340. He enlisted July 19, 1915, at the age of 21 years and was taken prisoner June 2, 1916, suffering from hand grenade wounds in the leg and chest, and a bullet wound in the side. He was repatriated to England in December, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based on his war wounds. He is unmarried. Prior to enlistment, he was employed as a structural steel worker, earning \$15 per week, and is now in the same trade, earning \$77 per week when in steady employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe injuries to his head from blows with pick handles while working in the salt mines, a broken nose, digestive disorders due to starvation and bad food, and permanent nervous trouble.

An analysis of the evidence reveals:—

Claimant was taken to hospital at Courtrai, followed by Hanover and Celle lager, and was finally sent out upon a farm before his wounds had properly healed. It is of his later experiences that he chiefly complains—at Edwigsburg salt mines—where he spent over two years. The story he tells of hard work, long hours, and brutal treatment, is quite consistent with the mass of testimony adduced before the Commission as to conditions in the salt mines, although, in fact, the particular mine referred to by claimant had not previously been called to our notice. He was beaten, had his nose broken, and has scars on his head resulting from blows inflicted because he was unable to complete the allotted tasks. He now suffers from persistent diarrhoea, nervousness, and stomach trouble.

The medical evidence indicates that claimant suffers from tremulousness, nervous instability, nervous indigestion with recurrent diarrhoea, defective breathing from broken nose, scars on head, body and legs. His percentage of disability is stated at from 30 per cent to 40 per cent. Dr. J. W. Merrett, who certifies to the foregoing, also appeared before the Commission, and declared claimant's main disability to be his nervous condition. From the history of the case, he expressed the opinion that the disability could well result from the experiences recounted. A certificate of Dr. P. O'Kelly is also filed, certifying to a condition of neurasthenia, gastritis and migraine. Claimant's medical history files relate only to his service wounds.

I should be surprised indeed to learn that claimant came through his experiences in the salt mines without injury. That he did not so escape injury and disability is borne out by the record and is quite in accord with the evidence of other prisoners who had the misfortune to serve time in these mines. On the whole, and without endeavouring to trace specifically the various disabilities shown to particular maltreatment, I am of opinion that claimant is entitled to an award. I would recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 15, 1932.

**CASE 2756—HAROLD H. EMPEY**

Claimant was a Private in the 31st Battalion—Regimental No. 811730. He enlisted January 1, 1916, at the age of 23 years and was taken prisoner May 3, 1917, at Fresnoy, suffering from gunshot wounds in both buttocks. He

was repatriated to England December 7, 1918. He is not in receipt of pension, was married in October, 1928, and has no children. Prior to enlistment, he was engaged in farming and is now unemployed although, after discharge, he tried farming, selling, and various occupations.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, blows, kicks, standing at attention. He now suffers from nervousness and stomach disorders.

An analysis of the evidence reveals:—

Taken first to Merseberg, claimant remained three weeks, when he was sent to Munster. Here he complains of receiving too many inoculations. He was then sent to a coal mine at Karneg (sic) near Essen, where he remained until the Armistice. He states that he received several beatings, one of which rendered him unconscious, and on another occasion, was knocked down by a rifle and kicked, his ribs being broken. He received no medical attention, and, being unable to work, had to hide in the mine every day, for three weeks, to escape work. His main disability appears to be from stomach disorders, although he also complains of loss of memory and frequent headaches.

The medical record consists in a certificate of Dr. E. P. Scarlett, of Calgary, who examined claimant shortly before the hearing. He finds a functional gastro-intestinal condition and right inguinal hernia. He is unable to estimate the extent of disability. A copy of a report by the Department of Radiology of the Calgary hospital is also filed which, while technical in its terminology, indicates that there are adhesions in the region of the gall bladder, suggestive of probable gall bladder disease. Claimant's medical history files indicate that he was discharged "all systems normal."

Were it not for the fact that claimant spent over a year of his period of captivity in the coal mines, I would not be inclined to view his case with favour. His story is quite consistent with the evidence of other prisoners who were in the coal mines and I have reached the conclusion that claimant was subjected to maltreatment whilst a prisoner which has resulted in some disability to him. While his main disabilities appear to be of nutritional origin, I am yet satisfied that his unjustifiable treatment in the mines is a contributing factor. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 22, 1932.

#### CASE 2650—SAMUEL JAMES FERRIS

Claimant was a Corporal in the 8th Battalion—Regimental No. 839. He enlisted in August, 1914, at the age of 32 years, and was taken prisoner April 25, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England November 23, 1918. He is in receipt of a 60 per cent disability pension, amounting to \$60 per month, based on epilepsy. He was married in May, 1919, and has no children. Prior to enlistment, he was employed as a sailor, earning \$95 per month and board, and is now a caretaker of a military building, at \$65 per month and his quarters.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, blows on the head, being compelled to stand all night and being hung up by the wrists.



An analysis of the evidence reveals:—

Claimant was at Giessen, Munster and Friederichsfeld camps. He states that because he had a picture of Lord Kitchener tattooed on his chest, he was singled out for brutal treatment. He was forced to stand against a wall practically all night for four nights. While working in a coal mine, he was struck over the head with mining lamps for not working fast enough and as a result was laid up for six months. He recites another incident of having his wrists tied together and pulled above his head while he was standing on a box. He states he was practically paralysed when allowed to get down.

Dr. T. H. Manchester appeared and testified that for many years he has been specializing in neurology and neuro-psychiatry. He examined the claimant during the routine of his work at Shaughnessy Hospital and is impressed with the consistency of his story. He testifies that the condition of epilepsy could have been caused by a severe blow on the head. He fixes claimant's disability at 75 per cent.

The file contains reports of Dr. Dobson, neuropsychiatrist, and of Dr. Manchester, covering claimant's condition as to epileptic fits and left side paralysis. A scar on the right side of the head and over the left eye bear evidence as to the blows from miner's lanterns. A submission by claimant's solicitor is also filed, subsequent to the hearing presenting arguments refuting any possibility that claimant's condition might be due to disease. Claimant's medical history files show nothing unusual, apart from the epileptic condition.

The medical evidence of Dr. Manchester, together with the certificate of Dr. Dobson, establish that the epileptic condition from which claimant suffers could very well result from the blow on the head related by claimant. I have carefully scrutinized claimant's story and have become convinced of the substantial accuracy of the statements made. There seems to me to be clear evidence that claimants present condition, in part at least, is attributable to maltreatment whilst a prisoner of war. Other possible causes for his present state seem to have been eliminated and I consider that claimant has been successful in making out a case. On the whole, having regard to the pension he receives, I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

### CASE 2697—GORDON FOSTER

Claimant was a Private in the 15th Battalion—Regimental No. 27474. He enlisted in August, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of pension, was married in November, 1920, and has three children. Prior to enlistment, he was employed as a carpenter, at about \$20 per week, and is now following the same trade but cannot find employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, overwork and abuse, eyesight affected through work underground and salt poisoning due to salt entering open wounds.

An analysis of the evidence reveals:—

Claimant passed through Gottingen and Celle lager, and arrived at the ill-famed Beinerode salt mines. He was kicked and beaten and forced to work underground, where he contracted salt sores. He states he was suspended on



a board with a rope in either end, down the mine shaft repairing the casing, where a slip meant a fall of some 600 feet. His eyesight became affected due to some refuse splashing in his eye and he states that, against doctor's orders, he was compelled to work underground in bright artificial light. He now complains of nervous trouble and heart strain and says he cannot climb buildings. A fellow-prisoner, E. W. Hopkins, testified that claimant was with him at Beinerode.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. G. W. Pringle, indicating nervousness and defective vision. He fixes the disability at 35 per cent. A report from Dr. C. E. Hill, covering the eye injury, is filed. He recommends glasses for close work. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

We have grown familiar with the cruel and brutal treatment which prevailed at the Beinerode salt mines, where claimant spent so large a part of his period of captivity. His story is consistent with that of other prisoners who were there. I am not surprised that his health has suffered, and I have little hesitation in finding that claimant was subjected to maltreatment which has resulted in some disability to him. I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

#### CASE 2711—EDWARD THOMAS GALLAMORE

Claimant was a Private in the 15th Battalion—Regimental No. 27478. He enlisted in August, 1914, at the age of 24 years and was taken prisoner on April 24, 1915, at the second battle of Ypres, suffering from a slight wound in the shoulder and affected by gas. He was repatriated to England on or about December 26, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$32 a month, based upon neurasthenia. He is married and has five children. Prior to enlistment, he was a butcher, earning \$15 per week. He is now an assembler at the Galt Brass Works, earning about 55 cents an hour when working.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in the salt mines, blood poisoning, pneumonia and a nervous breakdown which results in his present neurasthenic condition.

An analysis of the evidence reveals:—

Claimant received some treatment behind the lines and was then sent on to Gottingen Camp. Almost immediately he was notified that he was being sent out to work on a farm, but found that he was destined for the ill-famed salt mine at Beinerode, where he spent three years and three months. He tells the familiar story of ill treatment, abuse, lack of food, and long working hours, recounted by other prisoners who had the misfortune to be sent to this particular camp. He still suffers from boils or salt sores which he contracted during this time in Germany. He now suffers from general weakness, lack of concentration and a nervous condition which greatly incapacitates him.

The medical evidence indicates that claimant suffers from neurasthenia and loss of control of himself. His percentage of disability is stated at 25 per cent. Dr. D. L. Mackendrick, who certifies to the foregoing, did not appear before the Commission. There is also filed in the record medical certificate of Dr.

Daniel Buchanan, certifying that he attended claimant in 1925 and 1929 for neurasthenia and general nervous debility. A further certificate of Dr. J. Reginald Beaven is also filed, certifying to the same condition and inferring from the history of the case that claimant's disability is due to his experiences as a prisoner in Germany.

I have very little hesitation in reaching the conclusion that claimant is entitled to an award. As pointed out in my earlier report upon maltreatment cases, prisoners at the Beinerode salt mines were treated with the greatest cruelty and brutality and it is not surprising to find that claimant's health has suffered as a result of his treatment. Having regard to all the circumstances, I would recommend a payment to claimant of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 13, 1933.

### CASE 2769—FREDERICK GALLANT

Claimant was a Private in the 102nd Battalion—Regimental No. 703349. He enlisted in November, 1915, at the age of 32 years and was taken prisoner November 11, 1916, at Courcellette, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a logger, averaging \$100 per month and is now unemployed although he has followed lumbering operations since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being worked behind the lines under shell fire, beaten, starved and that he received no parcels.

An analysis of the evidence reveals:—

Claimant was detained at working camps behind the lines from the time of capture until August, 1917. He was subjected to rough usage, exposed to shell fire and an air bombardment, given unhealthy food and exposed to all weathers. At Ecourt St. Quentin, he complains chiefly of the lack of food, and of one guard, who continually tormented the prisoners. At Bochainne, they were bombed by allied planes, the work was hard and the food exceptionally bad. Sent to Germany, he reached Schneidemuhl, where he was placed at work carrying coal. He, with others, was beaten with whips. He also sent to Poatzig, Zadow and Krusewitz, but was subjected to no particular maltreatment. His main complaint is as to treatment to which he was subjected behind the lines at Queant, Ecourt St. Quentin and Bochainne, as a result of which he suffers from nervous disorders.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files contain a statement made by him on repatriation concerning conditions behind the lines, which is consistent with other evidence on the subject. Claimant apparently made a good recovery, because he was discharged as fit.

Claimant spent several months held behind the lines and seems to have come through his experiences with comparatively little disability. We have grown familiar with the conditions of brutality and cruelty which prevailed in these camps and, while claimant has not shown any very definite disability from his treatment, I think he should receive an award on the general ground of the nature of the captivity and brutality he was forced to endure. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 30, 1932.



## CASE 2732—MANSELL JAMES GRIFFIN

Claimant was a Private in the 7th Battalion—Regimental No. 21696. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 23, 1915, during the second battle of Ypres, suffering with shrapnel wounds in the knee and groin. He was repatriated to England, December 10, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on nephritis. He states he recently received a letter advising that his pension has been discontinued. He was married in May, 1921, and has no children. Prior to enlistment, he was farming, earning \$60 per month and board and is now engaged in fur farming but finds it hard to keep out of debt.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, solitary confinement and denial of medical attention while ill.

An analysis of the evidence reveals:—

Claimant was attached to Giessen Camp during his period of captivity and was sent out to different working commandos. He was sent to a plant at Neiderschelden, where, upon discovering he was expected to work on munitions, he refused to comply and attempted to escape. Recaptured, he was given 14 days cells at Giessen, and was sent back to the same plant, where, upon further refusal to work on shells, he was kicked and beaten with a rifle and was placed in a small tool shed which was bricked in after him. He was removed after four hours and placed in a cell for 21 days. He received a blow from a rifle butt on the side of the head and shoulder, knocking him unconscious. He was also kicked in the face, eye, ribs and stomach. He was then taken to the barracks, where other British prisoners were confined (declarations by two of whom are on file attesting to claimant's condition immediately after this beating). He contracted influenza and was refused attention. At Giesweid, he was placed in the steam box, so-called. As a result of the beating, he complains of his arm and shoulder and deafness in the right ear. The affidavit of H. S. Kenyon was read into the record as corroborating claimant's story.

The medical record consists of a certificate by Dr. W. Ross Stone, who examined claimant subsequent to the hearing. He finds lameness and pain in the right shoulder, which he attributes to a blow on the right shoulder. A certificate of Dr. H. R. Mustard is also filed, certifying to nerve and catarrhal deafness in both ears. Neither physician appeared before the Commission. Claimant's medical history files show the condition of nephritis and refer to arthritis and otitis media as "post discharge".

A puzzling feature of this case is that claimant made no claim at the time of his medical examination on discharge of an injured shoulder, but referred only to a minor foot injury, since cleared up. He appears to have aroused the particular hostility of his guards by his persistent refusal to work upon munitions. He was apparently one of the first to adopt this course at Giessen and his case came to be regarded as a test case. The evidence of abuse, by way of punishment, to which he was subjected, is clear. His own statements are corroborated by the affidavits of fellow prisoners. I do not believe, however, that the partial deafness of which he speaks, resulted from this treatment. That his shoulder was injured from blows of a rifle is not clear but I think he should have the benefit of the doubt and I find that he has been left with some disability from such treatment. I regard the punishment he received as going beyond all reasonable bounds and as constituting maltreatment. On the whole, I think claimant has made out a case, and I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 30, 1932.



**CASE 2531—FRED HILDERMAN**

Claimant was a Private in the 50th Battalion—Regimental No. 447929. He enlisted November 17, 1915, at the age of 15 years. He was born in Russia and states that he obtained his naturalization papers this year. He was taken prisoner November 18, 1916, unwounded. He was repatriated to England, December 9th, 1918, and is in receipt of a 15 per cent disability pension, amounting to \$19.50 per month, based on visceroptosis and appendicitis. He was married in May, 1928, and has two children. Prior to enlistment, he was an hotel bell-boy, at \$10 per month and tips, and since 1924 has been a dining car waiter, earning from \$90 to \$175 per month. He was laid off at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and lack of medical attention.

An analysis of the evidence reveals:—

After capture, claimant was detained for some weeks behind the lines. He was sent to Maritz, in France, and placed on road work, also behind the lines. He was starved, and describes the conditions as to food and heavy labour as particularly harsh. When unfit for further work, he was next taken to Munster No. 2, and thence to Minden, where he was fairly treated until January, 1918, when he was sent to Witten. He was sent back to Minden, charged with having incited mutiny, and went to hospital with bronchitis, where he remained until after the Armistice.

The medical record consists of certificates by Drs. H. Gordon Young and F. D. Wilson, neither of whom appeared before the Commission, and a report of an X-ray examination of the thorax. Dr. Young certifies that he treated claimant for bronchitis and Dr. Wilson treated him for about five months for bronchiectasis. Claimant's medical history files show the conditions referred to, and contain statements made by claimant upon repatriation. Unfortunately, a part of these is practically indecipherable.

Claimant's main complaint centres around his experiences while held behind the lines and made to work. While the conditions behind the lines as applying to prisoners there held, from the official reports, appear to have been later in date than the Fall of 1916 and beginning of 1917, I have reached the conclusion from claimant's testimony and statements made on repatriation, that he was subjected to this particularly harsh form of punishment. When he was sent back into Germany, as unfit for further work, he was emaciated and in a pitiable condition. I consider that evidence of maltreatment has been made, and it is not surprising that injury to health has resulted. I am inclined to give claimant the benefit of any doubt there may be, and would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

**CASE 2712—HENRY GEORGE HITCHMAN**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113292. He enlisted in July, 1915, at the age of 21 years and was taken prisoner on June 2, 1916, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension, was married May 2, 1920, and has two children. Prior to enlistment, he was a shipper with Campbell Flour Mills, earning \$14 per week. He is now without steady employment.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being struck on the head, nose and finger, with resultant injury, excessive labour and punishment.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, as to which he has no complaints. He was then sent to the coal mines—Commando 47—where he remained for the duration of the war. He was struck over the head and nose for not working fast enough. Claimant apparently retaliated, was tried sentenced and served confinement to cells. Claimant tells a rather confused story but stresses the two occasions when he was struck as above stated. He suffers with his chest, bronchitis and haemorrhoids.

The medical record indicates that claimant suffers from haemorrhoids (bleeding), chronic bronchitis and symptoms of gastric ulcer. His percentage of disability is stated at from 50 per cent to 60 per cent. Dr. F. N. Hughes, who certifies to the foregoing, appeared before the Commission and declared claimant's main disability to be the condition of gastric ulcer for which he was treating him. He also suffers from bronchitis. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Were it not for the fact that claimant spent twenty-seven months in the coal mines I would not be inclined to view his case with favour. I am satisfied, however, that he was subjected to maltreatment, and would accordingly recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 14, 1933.

### CASE 2750—REGINALD HERBERT HOCKEY

Claimant was a Private in the 48th Battalion—Regimental No. 430215. He enlisted in February, 1915, at the age of 20 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension, was married in 1922, and has no children. Prior to enlistment, he was employed as a stair builder, earning \$4.50 per day and is now a Life Insurance salesman, ranging from \$175 to \$300 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour while ill, long hours, blows, starvation and long stretches of standing to attention in the heat of the sun.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained six weeks and was then removed to the coal mines at Oespel No. 1, where he spent two years and a half. For refusing to work, he, with others, was compelled to stand to attention for eleven hour periods and received blows for the slightest movement. He collapsed after several days of this treatment and finally went to work. He was suffering with rheumatism at the time, due to work at the coke ovens, and was forcibly carried from bed and put to work. Unable to carry on at work, he received repeated beatings. The food was scarce and contributed to the inability to work on account of weakness. He suffers with his eyes—his main complaint—which he attributes to the work done in the mine, by artificial light. He seems to have had a touch of sleeping sickness in 1922-23 and had slight hallucinations.



The medical record consists of certificates by Doctors Gunn, Hackney and Shore of Calgary who find claimant suffering from catarrhal deafness in both ears with chronic conjunctivitis and blepharitis. Patient had several attacks of double vision and was unable to remain awake. A certificate by Dr. J. V. Follett is also filed, indicating that he treated claimant for double vision in 1923 and prescribed spectacles. Again, in 1925, he treated him for deafness. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant stresses the condition of his eyes as resulting from his experiences in Germany. While I am informed that the work on the coke ovens and in the coal mines was not likely to induce the trouble complained of, the evidence indicating that impaired vision is attributable to his post discharge illness I yet feel that the extreme harshness of the treatment to which claimant was subjected in being made to work in his then condition may have contributed to his disability. Having regard to the fact that claimant spent over two years in the coal mines as to which we have an abundance of evidence of cruelty and maltreatment I am disposed to resolve whatever doubts there may be in his favour. I would recommend a payment to claimant of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 23, 1932.

#### CASE 2745—FRED JEWSON

Claimant was a Private in the 49th Battalion—Regimental No. 432762. He enlisted on January 14, 1915, at the age of 31 years, and was taken prisoner on June 4, 1916, unwounded. He was repatriated to England on November 15, 1918. Claimant is in receipt of a 25 per cent disability pension, amounting to \$25 per month, based on neurasthenia. He is married and has six children, all of age. Prior to enlistment, he was a bricklayer, earning about \$5 per day. When working now, he is a plasterer and earns \$8 per day.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, violent beatings about the head and body and excessive punishment.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and was sent out to a farm for a year. While ill he was knocked off his bunk and beaten, being hit on the head and confined to cells. As a result he spent four weeks in hospital and was then sent to an ore mine at Hagen to work. He was again beaten, being regarded by the guards as lazy. An attempt to escape earned claimant six weeks punishment work in a stone quarry. Claimant complains chiefly of the blows he received on the head and suffers from neurasthenia. Claimant's statement of rough treatment at the ore mines is corroborated by the affidavit of a fellow prisoner.

The medical record indicates that claimant is suffering from "weakness and lack of control. Has not strength to work, losing weight———cannot sleep or eat, pulse 84—is suffering from nervous debility." His percentage of disability is stated at 100 per cent. Dr. A. V. Webster, who certifies to the foregoing, did not appear before the Commission. A further certificate of Dr. O. S. Large is filed to the effect that claimant suffers from very marked neurasthenia, anaemia, gastric disturbances, sleeplessness and depression. His medical history files refer to the neurasthenic condition, for which he receives pension.



Were it not for the fact that claimant served time in the ore mines, I would be inclined to regard his case as purely pensionable. The medical evidence clearly establishes disability and I think the record justifies a finding that claimant was subjected to maltreatment which has resulted in some permanent disability. Claimant's own evidence is not entirely satisfactory, but I am disposed to give him the benefit of the doubt. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 7, 1933.

*Commissioner.*

### CASE 2774—SIDNEY PERCY JONES

Claimant was a Private in the 28th Battalion—Regimental No. 73668. He enlisted October 23, 1914, at the age of 17 years and was taken prisoner June 6, 1916, suffering from shrapnel wounds in both arms and thighs. He was repatriated to England December 22, 1918. He is not in receipt of a pension, was married in March 1919, and has one child. Prior to enlistment, he was employed as a waiter, earning \$25 per month and tips and is now a gas works operator, at about \$5 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not set out particulars of complaint in his declaration.

An analysis of the evidence reveals:—

Claimant was treated in hospital for two months and has no complaints of his treatment. Sent then to Hameln, and placed at work in a salt mine under the usual conditions of hard labour, long hours and poor ventilation, he attempted to escape, was recaptured, received two weeks confinement and was then returned to work in the mine. Due to excessive labour, he refused to carry on and was placed, with others, in a small engine room which had been so sealed up that they could scarcely breathe. Upon release, he did another two weeks confinement. In another salt mine, he received a beating for remonstrating with a sentry. He contracted salt poisoning but received no medical treatment and finally commenced spitting blood whereupon he was placed on a farm. He finally resorted to pouring scalding water over his foot, in order to escape being hounded to work. Hugh H. Legate testified that he knew claimant before and after the war and affirms his present condition of nervousness.

No medical testimony was adduced at the hearing, the record consisting of a certificate by Dr. G. H. Wilson, who examined claimant prior to the hearing. He states "in my opinion he sustained a very severe shock to his nervous system before maturity which he is unlikely to recover from. This likely accounts for the early change in his blood vessels with the accompanying high blood pressure. Diagnosis—Arterio-sclerosis, neurasthenia". Claimant's medical history files refer to a slight weakness of the nervous system, but causing no disability. The record is completed by a certificate from the Ancient Order of United Workmen, refusing claimant membership in 1924 due to his medical unfitness.

Claimant's salt mine experiences are very similar to those spoken of by other prisoners who were subjected to the same conditions. The story is one of constant cruelty and brutality (See Opinion annexed to my earlier report on maltreatment cases). I find that claimant has shown a disability resulting from maltreatment and I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 10, 1933.

*Commissioner.*

## CASE 2730—ALFRED NEIL MACKINNON

Claimant was a Private in the 15th Battalion—Regimental No. 28063. He enlisted September 22, 1914, at the age of 21 years, and was taken prisoner April 22, 1915, during the second battle of Ypres, suffering from gas. He was released to Holland about August 1, 1918, and reached England November 2 of that year. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on bronchitis. He is unmarried. Prior to enlistment, he was employed as a tailor, earning \$18 per week. He is now unemployed. He tried several jobs after discharge but had to give them up, due to the state of his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of kicks and blows and severe beatings for refusal to work on munitions, given solitary confinement and his life threatened several times. While ill and unclothed was kicked out doors in January. Was tied to posts for four hour periods, over five days, and sent to three different salt mines where the labour and punishments were brutal. Finally, in a state of collapse, he was sent to Holland, where he remained in hospital until shortly before the Armistice.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, where he complains of general rough treatment. For refusing to work at munitions at Hildesheim, he was beaten and confined to cells on starvation diet. Sent on to Vehnemoor, claimant complains that while sick he was thrown out of his bunk, practically naked, and put out in the open in January. At Ostenholzenmoor, claimant was beaten for not working fast enough and tied to a post at Celle lager for four hour periods on several successive days. He then had the misfortune to be sent to the notorious salt mines at Beinerode, where he worked for four months under conditions of cruelty with which we have grown familiar from the statements of other prisoners. He escaped, was recaptured and sent to another salt mine, near Hildesheim, where the treatment was equally severe. Sent to Hameln, claimant was in hospital for three weeks and then found himself at another salt mine at Granau, where he encountered rough and abusive treatment. As a result of these experiences, claimant suffers from nervousness, rheumatism, bronchitis and general debility.

There is no medical evidence of record and claimant relies upon his medical history files to establish his disability. While this record is not entirely favourable to claimant's contentions, I think the evidence, as a whole, justifies a finding of maltreatment with some resultant disability.

Were it not for the fact that claimant spent about sixteen months of his period of captivity in the ill famed salt mines, I would not be disposed to regard his claim with favour, having regard to his medical history files. As stated above, claimant was exposed to extreme hardship, and I am prepared to give him the benefit of the doubt in recommending a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

NOTE.—I would suggest that the payment in this case be forwarded in care of the Secretary of the local branch of the Canadian Legion.

**CASE 2540—MALCOLM McDONALD**

Claimant was a Private in the Royal Canadian Rifles—Regimental No. 478532. He enlisted August 23, 1915, at the age of 20 years and was taken prisoner October 8, 1916, on the Somme, unwounded. He was repatriated to England in December, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$22.50 per month, based on stomach disorders. He is unmarried but has the care of younger brothers and sisters. Prior to enlistment, he was employed as a coal miner, earning \$1.45 per day and after discharge resumed his trade, making \$5 per day. He is now unemployed due to ill health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of labour in coal mines, bad food, exposure and injury to finger on the right hand, smashed in the coal mines, for which he received no treatment.

An analysis of the evidence reveals:—

Claimant was first sent to Dulmen camp, where he remained 3 weeks and has no complaints. Sent to Friedrichsfeld, he remained at the coal mines for the remainder of his period of captivity. He does not complain of any particular brutality, but declares that the food conditions were very bad. He is very frank in declaring that his present stomach condition is attributable to the poor food received. Probably because claimant was a miner by trade, he was able to bear up under the trying conditions in the mine. On one occasion he sustained an injury to his finger, for which he received practically no medical treatment. He was also subjected to the usual "stillestande" punishment for attempted escapes by other prisoners. His complaint is confined to the condition of his stomach.

The medical evidence indicates that claimant suffers from duodenal ulcer, for which he was treated since 1925 by Dr. E. W. Macdonald, and by Dr. C. J. Sparrow, at an earlier date, for the same condition. Neither of these doctors appeared before the Commission. Claimant's medical history files show nothing unusual, the stomach condition being referred to as entitlement to pension.

Having regard to the fact that claimant spent two years in the coal mines I am disposed to resolve whatever doubts there may be in his favour. I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 15, 1932.

**CASE 2654—ROBERT MOORE**

Claimant was a Private in the 7th Battalion—Regimental No. 16800. He enlisted in August, 1914, at the age of 38 years, and was taken prisoner on April 24, 1915, during the second battle of Ypres, wounded in the calf of the left leg. He was repatriated to England in November 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based upon his wound. Claimant was married upon enlistment and has four children. Prior to enlistment, he was a carpenter, earning \$4.50 per day. He is now unemployed, but still follows his trade when possible.

Claimant alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of conditions in the coal mines, frequent beatings, and general abuse, resulting in disability due to rheumatism.



An analysis of the evidence reveals:—

Claimant was taken to Paderborn hospital, via Roulers, and received nothing to eat for five days. In hospital, at Paderborn, his wounds were attended roughly but efficiently. Sent to Sennelager, he was given light work for two months, and after a short time at Straumuhl, was sent to Dulmen for about a year. The work was severe—cutting down trees, but finally he was given lighter work and complains of general rough treatment. Sent then to the coal mines at Mengede, he remained two years and tells the familiar story of almost constant brutality and ill treatment. He was beaten and knocked unconscious on one occasion and refers to his period here as “one continuous batting around.” Claimant complains of rheumatism, impairment of vision and some indigestion.

The medical record indicates that claimant suffers from “muscular rheumatism involving arms and legs, and rheumatic iritis.” His percentage of disability is stated at 10 per cent. Dr. J. W. Lennox, who certifies to the foregoing, also appeared before the Commission. He is unable to say whether claimant's condition results from the experiences related—it might result from exposure, and he can say little as to the eye condition. Claimant's medical history files show nothing unusual. The wound in his leg is alone referred to.

As will be seen, claimant does not suffer any great disability, and, were it not for the fact that he spent about two years in the coal mines, I would not be inclined to regard his case favourably. In view of all the circumstances and other testimony available as to the harsh and brutal treatment accorded prisoners in these mines, I have reached the conclusion that claimant was subjected to maltreatment which has resulted in some disability. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2541—DUNCAN PETERS

Claimant was a Private in the 113th Battalion—Regimental No. 736806. He enlisted March 17, 1916, at the age of 30 years and was taken prisoner March 15, 1917, at Vimy Ridge, un wounded. He was repatriated to England December 9, 1918. He is not in receipt of pension, was married in November, 1919, and has an adopted son, now 18 years of age. Prior to enlistment, he was employed as a brick burner at about \$4 per day, is now farming for himself and making a living.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings and kicks and being forced to work when not fit.

An analysis of the evidence reveals:—

Claimant first spent 15 days in Fort McDonald and complains of the lack of food, ventilation and sanitary conditions. He was placed on working parties behind the lines for some eight months, under shell fire. Here he received a beating by an officer because he was a Canadian. Sent to Germany he was first placed in the lazaret, at Zerbst, where he had a rest and was then sent to Elsburg, where he took ill with influenza. Placed at lumbering work, he received several blows one of which injured his ear, causing frequent buzzing. He finished his period of captivity at Elsburg.

The medical record consists of a certificate by Dr. J. B. Snyder, who finds claimant physically unfit and suffering from premature senility. He fixes his disability at from 40 per cent to 50 per cent. Claimant's medical history files

indicate that he suffered from influenza in Germany, in September, 1918, with no disability on discharge.

Were it not for the fact that claimant spent 8 months working behind the German lines, under shell fire and subjected to starvation, I would not be disposed to regard his case favourably. We have had an abundance of evidence as to conditions behind the lines and claimant's statement is consistent therewith (See Opinion annexed to my earlier report on maltreatment cases). It is true that the official records and evidence given refer to conditions behind the lines in 1918, but I have no reason to doubt claimant's story of similar treatment in 1917. I consider that claimant has established impairment to health due to maltreatment whilst a prisoner of war. I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2669—EDMUND RICHER

Claimant was a Private in the 4th C.M.R.—Regimental No. 113515. He enlisted July 15, 1915, at the age of 18 years and was taken prisoner June 2, 1916, suffering from a touch of shell gas. He was repatriated to England December 10, 1918. He is not in receipt of pension, was married July 9, 1920, and has three children. Prior to enlistment, he was an apprenticed printer, at no salary, and after discharge did odd jobs but has been unemployed for the past two years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of labour in coal mines for many months, long hours of work, beaten, shot at, and given confinement alternately in hot and cold rooms, and received injuries to his hands trying to fend off a bayonet in the hands of the guard. He still carries scars. He is now subject to weakness and fainting spells and cannot hold a job. His attestation paper indicates that there were scars on both thumbs when he enlisted.

An analysis of the evidence reveals:—

Claimant does not complain particularly of his treatment at Dulmen or Munster No. 3 Camps, to which he was first sent. His complaints centre around his experiences in the coal mines at Lunen in 1917, and later at Karlingsburg. He spent sixteen months in the coal mines and complains of the hard work, long hours and poor food. On one occasion he was shot at by a guard, the bullet piercing the skin, and was hit on the head with a revolver, knocking him unconscious. Placed in cells, he was alternately exposed to hot and cold. He also ran foul of a guard and was wounded by a bayonet in the hands of a guard when he tried to fend off blows aimed at his head. His statement made upon repatriation, while less detailed, is substantially in accord with his testimony. Claimant suffers from what he calls fits.

The medical evidence is very general and consists merely in the certificate of Dr. J. A. Labelle to the effect that in 1921 he attended claimant and found him in a generally run down condition which is assumed to have been due to maltreatment. Claimant's medical history files show nothing unusual.

While the medical evidence is not strong as showing serious disability, I have reached the conclusion based upon claimant's coal mine experiences,

that any doubt there may be should be resolved in his favour. I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 20, 1932.

### CASE 2673—CHARLES SIDNEY RILEY

Claimant was a Private in the 14th Battalion—Regimental No. 25884. He enlisted in August 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a slight scalp wound received two weeks earlier, and a touch of gas. He was repatriated to England December 13, 1918. He is not in receipt of pension, was married in February, 1919, and has one child. Prior to enlistment, he was an acrobat, earning \$30 per week and is now unemployed but had been engaged in theatrical dancing, etcetera, until 1931.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor medical attention for a broken arm, four beatings, injury to his foot and long periods of solitary confinement.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp but was sent out on some thirty different working commandos. He became associated with a group of fellow prisoners who refused to work and became organized for the purpose of effecting an escape. He states that he did fourteen months' continuous confinement to cells at Giessen for a crime he did not commit. He was not in the dark cells all the time and was with fellow-prisoners part of the time. His confinement to dark cells was limited to three days at a stretch. He was beaten four times, the worst being at a stone quarry at Wetzlau, where his wrist bone was broken. He says he received bad medical attention as the bone was not properly set. In an iron foundry at Weidenau, the foreman pushed a heavy iron bar he was helping to unload from a flat car, so that it fell crushing his instep. He received medical attention. His term of imprisonment was the result of a court-martial; claimant had been singled out as the ringleader of a strike in which he had no part. He was sentenced to 14 months for inciting a mutiny. On top of this sentence, he served three months at Cologne for refusing to work in a terrific rainstorm. Here, he was placed in a straight-jacket for insubordination. Claimant was questioned by the medical adviser to the Commission for corroboration as to the broken wrist and a letter from W. Walker, a fellow-prisoner, was read into the record. This letter substantiates the story of this incident. In response to enquiries made by this Commission, letters have been received from George D. Scott, and R. H. Green, fellow prisoners, which further corroborate the story of the broken wrist. Subsequent to the hearing, claimant wrote the Commission to amplify his evidence. In his letter, he asserts that while a prisoner he deemed it his duty to cause all the trouble possible to the enemy, threw away tools, made six attempts to escape and aided others to do so, as the result of which he suffered extreme abuse and punishment. He alleges that he was a member of the "iron twenty." He encloses a friendly letter from G. D. Scott as an indication of his close relationship with him, while in Germany.

The medical record consists of a certificate by Dr. F. S. Minns, indicating injury to the left foot, fracture of the left forearm and weak eyes. The



disability is rated at from 25 per cent to 100 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

The claimant told his story in a very straightforward and convincing manner and I must say that whilst his story is not substantiated by the medical records, which are somewhat meagre, I am satisfied with the corroboration of three fellow prisoners, G. D. Scott, W. Walker, and R. H. Green, as to the injury received by him to his arm. There is no doubt that he suffered a disability which must have handicapped him to some extent in his profession and whilst he may have brought some of the brutality upon himself, I believe that he did what he considered his duty. Viewing the case as a whole, I would recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 24, 1933.

### CASE 2536—CHARLES ROMER

Claimant was a Private in the 7th Battalion—Regimental No. 16690. He enlisted in August, 1914, at the age of 33 years and was taken prisoner on April 24, 1915, at the second battle of Ypres, slightly wounded. He was repatriated to England in December, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, claimant was a labourer, earning about \$100 per month. He has not worked for two years and is on city relief.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, excessive hard labour, inadequate food and general rough treatment by way of reprisals. He suffers from neurasthenic depression, melancholia and general debility.

An analysis of the evidence reveals:—

Claimant was taken to Munster, via Roulers, and soon sent out to a mine near Sterkrade. He was beaten because of the escape of other prisoners and made to stand to attention for a long period. He was here about nine months and complains bitterly of the poor food and heavy labour. Taken sick, he was returned to Munster, and, after a few weeks sent to the Russian front, as a reprisal prisoner. Here, he was employed at making roads, cutting timbers. The guards were very brutal. Claimant became weak, reported sick and was sent back into Germany to Munster, followed by Langensalza and a railway construction party. Later at Plowe (sic) he was hit by the guards for inability to work. For an attempted escape from the railway construction gang, claimant was beaten and confined to cells. Claimant's symptoms would appear to indicate a depressive psychosis. Claimant has brought forward testimony of persons who knew him before and after his period of captivity. They declare him to be greatly altered as well physically as mentally.

The medical record indicates that claimant suffers from neurasthenia and despondency. Dr. T. V. Curtin, who so certifies, also appeared before the Commission and confirmed his certificate. He is unable to state the cause of claimant's condition, having seen him for the first time in 1931. The medical history files show nothing unusual. Claimant was apparently discharged as fit.

Claimant was clearly in a nervous condition at the hearing and told a very pitiful story of hardship and brutality. The memory of his ill treatment and resentment therefor seem to have preyed upon his mind to the extent of inducing the condition of which he now complains. After anxious reflection, I am inclined to give claimant the benefit of whatever doubt there may be

and to find that he was subjected to maltreatment which has resulted in some disability. In doing so, I bear clearly in mind his experiences, as a reprisal prisoner on the Russian front, as also time spent in the coal mines. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 9, 1933.

### CASE 2681—JOHN ARTHUR SALMON

Claimant was a Private in the 44th Battalion—Regimental No. 219917. He enlisted October 26, 1915, at the age of 15 years, and was taken prisoner August 23, 1917, unwounded. He was repatriated to England December 7, 1918. He is in receipt of a 60 per cent disability pension, amounting to \$77 per month for himself and family, based on neurasthenia. He was married December 20, 1915, and has three children, one adopted. Prior to enlistment, he was employed as a farm labourer, earning about \$136 per year with board, and is at present unemployed but held many different jobs since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten with a hammer in the back causing permanent injury, refusal of proper medical treatment, long hours of heavy labour while ill, and starvation.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, where he was compelled to work on stone barges without sufficient food to sustain him. After a month he was sent to Friederichsfeld, attached to Dulmen, where he remained another month. Finally he arrived at Essen, to work in the Victory coal mines, where he remained for more than a year. He speaks of one occasion, when, ill with stomach pains, the doctor refused him medical aid and sent him back to work. He fell from weakness due to the pains and heavy work and the guard struck him twice with a shovel and he was again struck by the German mine boss with a heavy hammer twice across the back leaving him with an injured back. Later, due to an outbreak of boils, he tried to have them lanced, but as the doctor was about to use an unsterilized instrument which he had just used on a Russian prisoner, the claimant refused to let him proceed, and was sent back to work. He tried to get a little sleep down in the mine but received another beating from the mine boss, this time with the handle of the hammer. He states that these blows have left a definite injury to the back and have contributed to his condition of neurasthenia. He was only about 16 years of age at the time and was compelled to do a man's work, with 24 hours shifts at the week-ends, and complains that he did not get nearly enough sleep. He is now unable to do any lifting and had to give up several jobs due to the condition of his back.

Dr. William A. Dobson appeared and verified a certificate given by him indicating that neurasthenia is attributable to overseas service and not unlikely brought on by experiences while a prisoner of war in Germany. He first saw claimant in 1925, who then complained of stomach disorders, pain in the lower spine, aching of the eyes, and that his legs tired easily. In 1926 and 1927 the complaints were the same and he placed him in hospital in April, 1931. His diagnosis continued to be neurasthenia on defective basis. He says the defective condition would not have any connection with overseas service. The neurasthenia condition, however, has been recognized as a service condition, qualifying him for pension. The record further contains a report of Dr.

A. P. Procter, who did not appear, indicating that an examination had been made by him of claimant's file. The reports thereon testify to a condition of neurasthenia and anxiety or repression neurosis said to have originated at Essen, Germany. A further letter from Dr. Procter recites as follows: "His condition has never improved and he has a fairly severe neurasthenia based on anxiety neurosis." A specialist's report by Dr. J. Brown is also filed.

Having regard to the fact that claimant spent over a year in the coal mines and the medical evidence, which attributes a part at least of his disability to these experiences, I am disposed to view the case favourably. Claimant's statements of brutality and duress, while working in the coal mines, are quite consistent with other evidence as to the conditions which there prevailed. On the whole, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 6, 1933.

### CASE 2686—JAMES SMITH

Claimant was a Private in the Fort Garry Horse—Regimental No. 116094. He enlisted March 29, 1915, at the age of 26 years and was taken prisoner November 20, 1917, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension, was married in July, 1920, and has four children. Prior to enlistment, he was employed as a carpenter, earning about \$5 per day and since discharge he tried farming but had to give up due to ill health. He then tried working as a car repairer but could not continue the work regularly.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of glandular trouble in the neck, ascribed to bad barrack accommodation and neglect while a prisoner. Also stomach disorders.

An analysis of the evidence reveals:—

After capture, claimant was held in France for six weeks. He states that the barrack accommodations there were bad; that the prisoners were overcrowded in an old brewery and exposed to draughts and dampness which resulted, in claimant's case, in swelling of the glands of his neck. He loses much time from work, mostly in winter. He was taken to Munster, in Westphalia, but was returned to France and made to work behind the lines from February till October, 1918. The food was bad and the guards would not allow him to report sick.

The medical record consists of certificates by Doctors G. C. Paine, N. M. McNeil and G. S. Purvis, none of whom appeared before the Commission. Dr. Paine certifies that he treated claimant in 1922-23 for swollen glands and general debility. Dr. McNeill examined him in April, 1932, and finds gastric dyspepsia and an enlarged lymph gland in the right neck. In 1919 he examined him and found a larger swelling in the neck than at present. Dr. Purvis supplies a certificate, dated May 23, 1932, and finds recurrent duodenal ulcer and fixes the disability at 25 per cent. He finds a posterior cervical chain of glands, right side of neck, greatly enlarged. As to the stomach disorders he finds symptoms quite definitely suggestive of duodenal ulcer of the recurrent type. He furnishes a letter, dated May 7, 1932, attributing the ulcer to the nature of the food received by claimant while a prisoner. Claimant's medical history files show nothing unusual.



Were it not for the fact that claimant was held and made to work close behind the German lines for several months, under conditions of harshness and cruelty with which we have grown familiar, I would not be disposed to regard his case favourably, because the disability, if any, from which he suffers has not been clearly shown as resulting directly from maltreatment. For the reason stated, however, I consider that claimant has been successful in showing some disability which may be attributed to maltreatment, and I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 3, 1933.

*Commissioner.*

### CASE 2706—EDGAR STOWE

Claimant was a Private in the P.P.C.L.I.—Regimental No. 51417. He was born in England, came to Canada in March, 1903, returned here after the war and remained until 1922, when he went to California for his health. He is now naturalized in the United States, having secured his certificate on January 24, 1930. He enlisted November 2, 1914, at the age of 28 years, and was taken prisoner May 8, 1915, suffering from gunshot wounds in the right upper arm and left shoulder. He escaped into Holland September 26, 1917. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on heart trouble and deafness. He was married in December, 1920, and has two children. Prior to enlistment, he was engaged in farming and is now employed as a painter, earning \$7 per day when able to work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of treatment of his wounds and refusal to extract bullets, was forced to work in the coal mines, where, upon reporting sick, he received solitary confinement, and injury to his left ear in a powder explosion.

An analysis of the evidence reveals:—

Claimant was taken to Ghent after capture and received treatment for about five days. He was transferred to hospital at Cologne and has no complaints as to his treatment there, although they would not remove the bullets in spite of his requests. Before the wounds had healed, he was taken from hospital and sent to the coal mines at Castrup, where he remained for two years. He was not beaten but was forced to work an eight hour shift with his wounds not healed. For refusal to carry on with the work he was compelled to stand to attention and then confined to cells. This happened on five or six occasions. He now suffers with neuritis and attributes his deafness to an explosion of powder in the mine, which occurred without warning.

The medical record consists of certificates by Doctors C. G. Sutherland as to deafness and F. M. Bantum who attended claimant for nine years. He certifies as to neuritis, enlarged heart, pains in the left shoulder and back, deafness and general nervous decline. He fixes the disability at 50 per cent. Neither of these physicians appeared before the Commission. Claimant's medical history files refer to the ear condition and a heart affection, for which he is in receipt of pension.

While there may be some uncertainty as to whether claimant's disability is due to actual maltreatment. I am inclined, in view of his two years in the coal mines, to resolve the doubt in his favour, and would accordingly recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 4, 1933.

*Commissioner.*

## CASE 2762—SAMUEL CECIL SUGDEN

Claimant was a Private in the 31st Battalion—Regimental No. 809115. He enlisted in March 1916, at the age of 23 years, and was taken prisoner March 29, 1917, at St. Eloi, suffering from shrapnel wounds in the legs. He was repatriated to England January 12, 1919. He is not in receipt of pension, was married in April 1919, and has three children. Prior to enlistment, he was employed as an apprentice druggist, earning \$12.00 per week, and is now a garage mechanic, averaging \$100.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a severe blow on the back of the head with a rifle butt, causing severe headaches, poor vision and fainting spells.

An analysis of the evidence reveals:—

Claimant was first taken to Fort McDonald, at Lille, and encountered the insanitary conditions prevailing there. He was starved and his wounds neglected, resulting in the development of septic poisoning. He was compelled to work behind the lines, exposed to shell-fire, and alleges long hours of labour, bad food, overcrowding in sleeping quarters and that he was knocked about with rifles. Sent to Marchiennes, in Belgium, he suffered similar treatment and received no parcels for 13 months from the date of his capture. In Germany, he was taken to Friederichsfeld camp and states that machine guns and gas shells were turned on the prisoners who became unruly. At Parchim, he met his brother who was blind, but has no complaints of special ill-treatment. He finished his period of captivity on a farm out of Hamburg. As a result of having been beaten behind the lines over the back and shoulders with rifle butts he suffers pain and headaches, is unable to read more than 10 minutes at a time, and suffers from nervous disorders.

The medical record consists of a certificate by Dr. G. L. McGuffin, who did not appear before the Commission, indicating that claimant suffers headaches and pain running from back of the neck to the forehead and back of the eyes. The record is completed by a letter from C. H. Lothead, a fellow-prisoner, who witnessed the blow with the rifle butt and corroborates claimant's story, and a certificate of Rev. G. F. Driver of Calgary as to claimant's character. Claimant's medical history files show nothing unusual. He was apparently discharged from the service as fit.

Claimant tells the familiar story common to all prisoners who were held and made to work close behind the lines. He was finally sent back into Germany when he had become so emaciated through starvation that he could no longer work. His statement is quite consistent with the official records of cruelty and brutality to these prisoners, although earlier in date than the period these records cover. While the evidence of present disability is not very convincing, I consider that claimant should receive an award upon the ground of the nature of the captivity and punishment to which he was subjected. The evidence justifies a finding of some disability resulting therefrom. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.



## CASE 2658—FRANK SAMUEL WHITE

The claimant was a Private in the 7th Battalion.—Regimental No. 16946. He enlisted in August 1914, at the age of 19 years and was taken prisoner April 24, 1915, suffering from a slight shrapnel wound. He was repatriated to England December 21, 1918. He is in receipt of 100 per cent disability pension, based on chronic rheumatoid arthritis, which amounts to \$75 per month. He is also in receipt of an additional "helplessness allowance" for an attendant, amounting to \$49 per month. He is unmarried. Prior to enlistment he was employed as a waiter, at \$50 per month, and all found, but by reason of his helplessness he is now unable to follow any occupation.

He alleges that while a prisoner of war he was subject to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck in the mouth with a rifle butt, with the result that several upper teeth were broken off, and some of the lower teeth cracked. He also states that his knee has been permanently injured through the faulty construction of a car on which he was working. He alleges also that he was violently struck on the back by a guard, as a result of which he has become a permanent invalid.

An analysis of the evidence reveals:—

Claimant has no serious complaint to make of his treatment during the first period of his captivity, which he spent at Roulers, Hofsgresen (sic), Langensalza and Göttingen. In August 1916. he had the misfortune to be sent to the salt mines at Londerhausen (apparently near Beinerode) and here his treatment was cruel and brutal. The story which he tells is consistent with the recitals of other prisoners who spent time in the salt mines. In particular he complains of an injury to the knee, hip and left leg, which were injured in an accident when struck by a truck. He was laid up for several weeks with very little medical attention. On another occasion, claimant was struck in the mouth with the butt of a rifle, knocking out several teeth. He received no treatment for this injury. His teeth have since been extracted. Later he was hit across the back by a guard while stopping over, the injury now constituting claimant's main disability. Claimant is permanently crippled with his back and knee and has trouble with his mouth.

The medical record indicates that claimant suffers from "arthritis generalized." His percentage of disability is stated at 100 per cent. Dr. J. McCallum, who certifies to the foregoing, did not appear before the Commission, but Dr. J. N. Taylor appeared on behalf of claimant. He finds both hips ankylosed with considerable knee injury, not necessarily arthritic. Claimant's back is completely ankylosed from rheumatoid arthritis, with a fracture of the transverse process between the 4th and 6th lumbar vertebrae, which might well be traumatic in origin. Claimant also files certificate of Dr. W. J. Gibson, dentist, evidencing the removal of teeth and the fitting of upper and lower dentures. Claimant's medical history files bear out his contentions to a certain extent.

There is no question that claimant is seriously, if not totally, disabled. The case again brings to light the evil conditions which prevailed in the salt mine camps. I have no hesitation in finding that claimant was subjected to maltreatment which has resulted in permanent disability. Having regard to all the circumstances, and bearing in mind the pension which claimant receives, I would recommend a payment to him of \$1,000 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.



## CASE 2359—CLIFTON NEIL WOODLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 145059. He enlisted September 6, 1915, at the age of 20 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of a pension, was married May 17, 1923, and has two children. Prior to enlistment, he was attending school and now he is postmaster at Shawville, P.Q., at \$1,968 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines although suffering with influenza, heavy work and exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen and sent to Minden, as to which camp he has no complaints. His grievances centre around a coal mine, which he refers to as "J.O. 32," where he remained for 18 months and was made to work underground. He does not complain of any particular brutality, but was made to work when he was ill, the hours were long and the work too heavy with the result that he developed a chest condition which has persisted and still troubles him. He attributes this condition to exposure in the coal mines.

The medical evidence indicates that claimant suffers from chronic laryngitis and chronic left bronchitis. His percentage of disability is stated at 60 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. J. Macpherson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. He was declared fit upon discharge.

Were it not for the fact that claimant spent eighteen months in the coal mines, I would not be inclined to view his case with favour. Under the circumstances, however, I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 20, 1933.

## CLAIMS OF EX-MILITARY PRISONERS OF WAR—DISALLOWED

## Case No. Name of Claimant

2636 Abbott, Frederick J.  
 2638 Adam, John A.  
 2740 Allan, Douglas G.  
 2611 Arsenault, Theodore E.  
 2561 Ashdown, William Gordon  
 2614 Austman, Joseph Victor  
 2528 Babb, Richard  
 2772 Baddeley, Archibald  
 2647 Baller, Harvey John  
 2585 Balmer, Walter Brown  
 2764 Barlow, Frank  
 2771 Bell, Harry  
 2321 Bigney, James  
 2506 Bircham, Philip  
 2566 Blakey, Thomas  
 2305 Boswell, J. A.  
 2734 Bradley, George Edward  
 2564 Bremmer, Donald  
 2605 Bridge, Captain Harold E.  
 2370 Bronskill, Frank Henry  
 2604 Brown, Abraham  
 2649 Bruce, Joseph Charles  
 2640 Bryant, Harry H.  
 2582 Burgess, Vincent Thomas  
 2442 Burton, Arthur F.  
 2796 Callaghan, Robert  
 2289 Cartwright, Frederick Arthur  
 2680 Christy, Norman  
 2670 Clarke, Walter W.  
 2760 Clarke, Wilfred  
 2651 Clifford, Colin Charles  
 2510 Clifford, Frederick G.  
 2538 Clougher, John Joseph  
 2694 Coates, Christopher  
 2607 Collins, H. H.  
 2790 Collver, Hugo Ross  
 2483 Comfort, Ithamer  
 2778 Conley, Walter  
 2532 Connolly, John Alexander  
 2708 Cormack, Alfred  
 2759 Cowie, Andrew  
 2517 Cranston, Norman  
 2753 Crawford, John  
 2803 Crawley, Charles  
 2577 Crichton, Robert  
 2731 Crofts, Ernest Henry  
 2733 Cruikshank, Stanley Lavern  
 2768 Dalbeck, Edwin  
 2655 Darley, Harry  
 2791 Davey, Charles  
 2046 Davidson, Bryce  
 2710 Davidson, James  
 2550 Davidson, James H.  
 2805 de la Gorgondiere, Robert  
 2646 Dempster, Robert  
 2783 Devonshire, Lancelot Cyril  
 2761 Dexter, William Crews  
 2652 Dorman, John  
 2801 Downing, William T.  
 2578 Drope, Harry Earl, M.M.  
 2695 Dudley, William Wright  
 2687 Dusenbury, Ralph  
 2644 Elliott, Capt. Dawson W.  
 2617 Erickson, Einer Carl  
 2696 Evans, Charles H. M.  
 2456 Fanning, Earl G.  
 2637 Finnie, Andrew Fleming

## Case No. Name of Claimant

2551 Foottit, William  
 2728 Fretwell, Herbert  
 2775 Frost, Fred  
 2530 Fuller, Walter  
 2780 Gamage, George  
 2554 Gaw, John Darrell  
 2377 Gawn, Alfred  
 2671 Geddes, William  
 2544 Glover, Herbert  
 2688 Goodfellow, James William  
 2632 Graham, Walter John  
 2612 Gray, Alexander Paterson  
 2529 Green, Alexander Edward  
 2757 Griffiths, David Tudor  
 2685 Harrison, John Henry  
 2571 Hawkins, Victor Benjamin  
 2749 Hay, Campbell Stuart  
 2408 Heaver, Henry Victor  
 2679 Hobbs, Thomas Richard  
 2802 Hopkins, Charles Henry  
 2725 Hubbard, Frank  
 1981 Hughes, Ellis D.  
 2152 Hustwitt, Sydney A.  
 2788 Hutchinson, George  
 2770 Irving, Robert  
 2653 Jack, David Adam  
 2584 James, Frank  
 2690 Jennion, William  
 2714 Joel, Ernest J.  
 2713 Johnson, John Manners  
 2738 Johnston, Lester James  
 2723 Jollineau, Frank  
 2689 Jones, Robert William  
 2450 Kain, Charles  
 2480 Keele, Thomas Edward  
 2407 Kelly, Aringo Thomas  
 2678 Kelly, John  
 2754 Kenyon, Harold Sidney  
 2643 King, Cedric Hamilton  
 2451 King, John Percy  
 2507 Koons, Leland  
 2508 Langston, Archibald Francis  
 2794 Lebar, Frederick  
 2677 Little, Thomas Charles  
 2763 Lothead, Charles Hungerford  
 2565 Longworth, John  
 2666 MacDonald, Charles H. L.  
 2703 Madeley, Robert  
 2799 Manclark, John  
 2715 Marshall, William  
 2717 Mason, Neil  
 2776 McAngus, Hugh  
 2448 McEwen, James  
 2691 McKenna, John  
 2702 McKinnie, Howie Maxwell  
 2353 McLaine, Colin  
 2509 McLean, Murdoch  
 2716 McLean, Wallace Alexander  
 2558 McLeod, John R.  
 2306 McMillan, Robert Gordon  
 2606 McPherson, James  
 2635 Meares, James  
 2752 Mercer, Thomas  
 2549 Miles, John  
 2755 Millar, Clifford Clyne  
 2579 Mills, Albert E.  
 2526 Morley, Robert

## Case No. Name of Claimant

2633 Morrison, Archibald  
 2747 Mullins, Thomas Michael  
 2765 Munro, George McLean  
 2639 Noble, Ernest  
 2283 Nurse, Albert H.  
 2379 O'Connor, Edward  
 1985 O'Grady, William Agar  
 2739 O'Rourke, William  
 2645 Orr, George E.  
 2446 Palmer, Arthur James  
 2786 Palmer, William John  
 2616 Pearce, Alfred Charles  
 2781 Pearce, Arthur Mark  
 2568 Phillips, Hugh White  
 2758 Philp, Alfred W.  
 2795 Pillar, Frank Howard  
 2792 Platts, Samuel  
 2533 Potter, Frank  
 2718 Pountney, George  
 1980 Power, Howard Ray  
 2785 Pratt, William T.  
 2336 Procnier, Charles A.  
 2719 Raynham, Robert  
 2631 Reeves, Thomas Gordon  
 2727 Reynolds, William S.  
 2773 Richards, Reginald H.  
 2515 Richards, Thomas R.  
 2511 Richardson, Robert Reginald  
 2622 Riley, Harold  
 2453 Rodgers, Harry R.  
 2569 Rodgers, Howard  
 2443 Rogers, Walter  
 2006 St. Germain, Benjamin Clement  
 2445 Sambrook, Alfred  
 2447 Sandells, Thomas William  
 2641 Scott, James  
 2412 Scott, John Armstrong  
 2656 Scott, Leslie Gordon  
 2444 Scutter, James B.

## Case No. Name of Claimant

2301 Shaw, Thomas  
 2787 Sheppard, Thomas  
 2777 Sinclair, Lorne Ralph  
 2735 Skead, Capt. Eric S.  
 2562 Smith, Charles Frederick  
 2603 Smith, Reginald Gordon  
 2648 Smith, Thomas  
 2804 Stamper, Walter  
 2782 Stanborough, Charles Edward  
 2729 Steers, Vivian Edward  
 2779 Stodgell, George  
 2095 Storey, Burton Forsythe  
 2580 Strachan, William  
 2692 Stuart, Albert Victor  
 2557 Summersford, Thomas Henry  
 2748 Thompson, Frederick  
 2700 Thompson, Jacob C. D.  
 2751 Thorp, Thomas  
 2657 Thurgood, William Charles  
 2797 Tough, John  
 2481 Turnbull, Ernest Allison  
 2767 Tynan, Samuel Park  
 2766 Wade, Joseph  
 2720 Warburton, John  
 2527 Wauchope, Robert Forbes  
 2721 Way, Clarence  
 1965 Webber, Vaughn Haliburton  
 2576 Wells, Harry James  
 2699 Wharpole, Frederick  
 2357 Whelan, Richard  
 2698 White, Sydney Charles  
 2449 Whitehead, H. T. V.  
 2793 Wiggins, Joseph Arthur  
 2742 Wilkie, William M.  
 2722 Wilkins, Charles  
 2323 Wilson, Albert Edward  
 2642 Wilson, George  
 2583 Wilson, John  
 2741 Winn, James Henry  
 2634 Wood, Frank

Total.....213



**CASE 2636—FREDERICK J. ABBOTT**

Claimant was an Imperial soldier who served in the 2nd Battalion of the Welsh Regiment—Regimental No. 6612. He arrived in Canada, to take up residence, in November, 1920. He was taken prisoner October 30, 1914, and was repatriated in December, 1918. It was explained to the claimant's solicitor, at the time of the hearing that the date of the claimant's arrival in Canada precluded the assumption of jurisdiction by this Commission. The date constitutive of jurisdiction has been fixed as January 10, 1920, the date of the ratification of the Treaty of Versailles (See my earlier report upon maltreatment cases). Reserving to claimant all other recourses, and, without deciding the case upon its merits, I am, accordingly, bound to disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 6, 1932.

**CASE 2638—JOHN A. ADAM**

Claimant was a Private in the 7th Battalion—Regimental No. 16973. He enlisted in August, 1914, at the age of 19 years and was taken prisoner February 27, 1917, near Lens, slightly wounded in the hip by a concussion bomb. He was repatriated to England December 12, 1918. He is not in receipt of a pension, was married February 9, 1919, and has five children. Prior to enlistment, he was employed as a broker, earning 45 per month and is now unemployed and on relief.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines where he became affected by the gases, served terms of solitary confinement for attempted escapes and had his foot injured by a falling rock while at work in the mine.

An analysis of the evidence reveals:—

Claimant spent the greater part of his captivity at Dulmen camp, working out therefrom, first at a farm at Froman. He made two attempts to escape and received as punishment two terms of solitary confinement of 28 days each on bread and water. After the second attempt and following his period of confinement he was sent to a coal mine at Bergbarback, where he was compelled to work underground from 10 to 16 hours per day including Sundays. The mine was badly ventilated and the heat was intense. Here, he met with an accident due to falling rock and had his foot cut across the instep. He received a first aid dressing, was put on light work but states he received no treatment for his injury for some 10 days thereafter. He was, however, then sent to Munster as being unfit to work further in the mine, and remained there until the Armistice. He now suffers from dizzy spells, vomiting and frequent perspiration.

Two medical certificates are filed although neither physician appeared before the Commission. Dr. A. B. Cameron, of Edmonton, certifies that he attended the claimant at different times from October, 1919, until the year 1926, and found him to be suffering from a serious disorder of the lungs and stomach. He infers that the conditions under which the claimant had to work while in the coal mines, due to bad ventilation and gas, are probably the direct cause of his present disability, which prevents his following his former occupation of baker. Dr. J. A. McIver, of Vancouver, certifies that claimant suffers from chronic bronchitis, bilious and vomiting attacks, and that he cannot work

in a closed room where there is much heat. He fixes the percentage of disability at 50 per cent permanent.

Notwithstanding the fact that claimant spent several months in the coal mines, I cannot find in the record evidence that claimant was subjected to maltreatment which has resulted in disability to him. Whatever his disability may be, I am of the opinion that it must be ascribed to general conditions of camp life in Germany (See Opinion annexed to my earlier report upon maltreatment cases). The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 6, 1932.

#### CASE 2740—DOUGLAS G. ALLAN

Claimant was a Captain in the 3rd Battalion, and was taken prisoner on April 24, 1915, at the second battle of Ypres, apparently unwounded. He made claim upon the ground of general mental perturbation due to the strain of his experiences as a prisoner of war. When it was pointed out to him that reparation payments were being paid out of the Consolidated Revenue Fund of this country, he withdrew his claim, declaring that he did not wish to press the matter further. The claim is, accordingly, regarded as withdrawn.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

#### CASE 2611—THEODORE E. ARSENAULT

Claimant was a Private in the 25th Battalion—Regimental No. 712553. He enlisted in December, 1915, at the age of 16 years and was taken prisoner April 28, 1917, at Fresnoy Wood, suffering from shrapnel wound in the right leg. He was released to Holland in June, 1918. He is in receipt of a 75 per cent disability pension on behalf of himself and family, amounting to \$116 per month, based on the loss of his leg. He was married November 29, 1922, and has four children. Prior to enlistment, he was employed as a labourer, earning about \$10 per week and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the loss of his right leg by amputation in Germany four days after capture. He asserts that due to neglect, poisoning set in, and that this could have been avoided with proper care.

An analysis of the evidence reveals:—

Claimant was badly wounded in the right leg when captured. He does not complain of any particular brutality whilst a prisoner but contends that had his leg been properly treated it would not have been necessary to amputate it so close to the thigh and that his disability would not have been so great. After capture, he received some attention at a dressing station and was sent to a hospital at Ohrdruf, where he remained 3 months. Here his leg was amputated 4 days after capture. Apparently it had become infested, was swollen and black to the thigh. Claimant declares that except for a broken ankle, as far as he knows the wounds were only flesh wounds. He does not complain of the operations themselves but regards the treatment as coming too late to save at least a part of the leg. Sent to Langensalza camp, on crutches, claimant declares the treatment to have been fair.



The medical evidence confirms the loss of the leg by amputation and gives claimant a disability of 75 per cent. The doctor (name indecipherable) who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

Claimant has not been able to indicate in what way the amputation of his leg constitutes improper surgery. On his own statement, having regard to the condition declared to exist at the time of the operation, the amputation would appear not only to have been justified but even necessary to save claimant's life. There is nothing in the record to support the claim that claimant was subjected to malpractice on the part of the German medical authorities. The claim is quite properly pensionable in nature. As far as this Commission is concerned, it cannot be allowed.

ERROL M. McDUGALL,  
*Commissioner.*

OTTAWA, December 15, 1932.

### CASE 2561—WILLIAM GORDON ASHDOWN

Claimant was a Private in the P.P.C.L.I.—Regimental No. 475753. He enlisted July 29, 1915, at the age of 27 years and was taken prisoner June 2, 1916, having been burnt with liquid fire and suffering from a slight scalp wound. He was repatriated to England on December 19, 1918. He is not in receipt of pension, was married in June, 1920, and has two children. Prior to enlistment, he was employed as a salesman, earning \$1,800 per year and expenses and is now unemployed although he tried various jobs and was in business for himself for a time but failed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, being compelled to work before his wounds were healed and of being beaten and knocked down while ill with influenza.

An analysis of the evidence reveals:—

Claimant spent 8 weeks, immediately after capture, in hospital at Julich, where the treatment was fair. He was then sent to Stendal, where, for 8 months, he did fatigue duty working around the gardens. At Gottlein, for 6 months, he was employed at farm labour but has no complaints. He was next sent to Welmerstadt Sugar Factory, where he was subjected to beatings with rifle butts, was compelled to work, at shovelling coal, from twelve to eighteen hours per day and suffered general rough usage, which he avers, has affected him mentally. In particular he complains that in the spring of 1918 he contracted influenza and while lying in bed, was hauled out on the floor and knocked down. He received no medical treatment while ill and after two weeks was put to work shovelling and hauling gravel on a railway embankment. He made one attempt to escape, was recaptured, and suffered the usual solitary confinement.

There is no medical evidence of record, the claimant relying on the medical records of the Board of Pension Commissioners. The neurological report of that body indicates that an examination of the nervous system is negative for organic disease. "This man is in quite a bad way with psychoneurosis. His mind is in a perfect turmoil. . . . Business worries and the hopelessness of his future outlook are overwhelming him. . . . There is no doubt but what his morale has been lowered by his experience on June 2 (date of capture) and his period of war service."

In cases such as this, where a nervous or mental condition constitutes the disability, it is particularly difficult to determine whether this mental state may be attributed to maltreatment. Claimant received harsh treatment, but



I cannot say, from the record, that it was unusual or deliberately inflicted. He suffered from the general conditions of camp life in Germany and the repercussions upon his mental outlook may possibly have had ill results. On the whole, however, I cannot find that his experiences have induced the condition of which he now complains. I regard the case as purely pensionable in nature. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

#### CASE 2614—JOSEPH VICTOR AUSTMAN

Claimant was a Corporal in the 8th Battalion—Regimental No. 812. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 25, 1915, during the second battle of Ypres, slightly wounded in the calf of the left leg and gassed. He was exchanged to Holland November 1, 1918, and reached England on the 18th of that month. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on neurasthenia. He is unmarried. Prior to enlistment, he was employed with his father as a building contractor, earning up to \$3,000 per annum, and is now farming.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of excessive solitary confinement on bread and water, excessive hard labour without proper nourishment.

An analysis of the evidence reveals:—

First taken to Magdeburg, claimant remained six weeks, receiving treatment for his wounded leg. He was next sent to Altengrabow, where he spent two years, confined behind barbed wire. There was no work and is no complaint as to this camp. The remainder of his period of captivity, some 18 months, was spent at Stuttgart, where, he states, it was a case of hard labour or solitary confinement all the time. There was no brutality, but, for attempts to escape, he received confinement, became a marked man and received many sentences to cells for varying periods, making a total of some six months during his stay at the camp. He now suffers nervous disorders, due to excessive confinement, heavy labour and lack of nourishment.

The medical record consists of a certificate by Dr. A. T. Mathers, who did not appear before the Commission, indicating a marked fatigability, aching in head and back of neck, dizziness and odd bodily sensations at night. He rates the disability at from 40 per cent to 60 per cent. Claimant's medical history files refer to a neurasthenic condition, for which he is in receipt of pension.

Claimant does not complain of any particular brutality, but stresses the long hours of labour and periods of confinement as reacting unfavourably upon his nervous system. The strain and duress of prison life in Germany bore heavily upon all prisoners, but I do not consider that these general conditions are to be regarded as maltreatment. (See Opinion annexed to my earlier report upon maltreatment cases.) Claimant has failed to establish a present disability resulting from maltreatment. His case is purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 9, 1933.

## CASE 2528—RICHARD BABB

Notice of claim was received on behalf of the above named claimant from the Canadian Legion in Alberta through the Dominion Headquarters at Ottawa. Claim forms were forwarded to the Legion to be completed but these were never returned. A reminder was sent to the Legion on August 11, 1932, and a registered notice was mailed to the claimant in care of the Canadian Legion at Calgary, on August 25, 1932, advising of sittings to be held at that city, on September 16, 1932. The claimant did not appear and no information concerning his claim has ever been received. The claim must, therefore, be disallowed for lack of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1932.

## CASE 2772—ARCHIBALD BADDELEY

Claimant was a Bugler in the 8th Battalion—Regimental No. 1253. He enlisted September 22, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was sent to Switzerland in December, 1916, and was repatriated to England September 11, 1917. He is in receipt of a 40 per cent disability pension, amounting to \$46 per month, based on asthma, was married July 1, 1919, and has one child. Prior to enlistment, he was employed as a printer's apprentice, at \$6 per week, and is now a salesman, earning about \$5 per day when working.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, medical neglect, forced labour while ill, and of being beaten.

An analysis of the evidence reveals:—

Claimant was taken from Roulers to Munster in a box car and when he reached Cologne was beaten by the civilians. He was three months at Munster and was transferred to an officers' camp at Gutersloh, where he acted as an orderly. Sent to Dulmen, he was placed in the lazaret and required to do light work. Suffering from stomach trouble and gas, he received no medical treatment. At Mannheim, he was supposedly passed by the Swiss Commission for transfer to Switzerland but, instead, was put to work at a munitions plant. He refused to work and was knocked unconscious. He was carried to Cologne on a stretcher. Three months later he was sent to Switzerland. He complains of impaired vision and a chest condition.

No medical testimony was adduced and no certificate filed. Claimant's medical history files indicate that, upon discharge, he suffered from chest and stomach disorders.

Claimant has not shown that the eye condition of which he complains is due to any maltreatment. His stomach affection is nutritional in origin and cannot be set down to maltreatment. (See Opinion annexed to my earlier report upon maltreatment cases.) There is no medical evidence to substantiate the disabilities claimed by claimant. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

**CASE 2647—HARVEY JOHN BALLER**

Claimant was a Private in the 1st C.M.R.—Regimental No. 114788. He enlisted December 27, 1915, at the age of 25 years, and was taken prisoner June 3 or 4, 1916, suffering from gunshot wounds in the right arm and hand and the left thigh, ankle and foot. He was released into Switzerland in June, 1918. He is in receipt of a 35 per cent disability pension, amounting to \$26.25 per month, based on his service wounds. He is unmarried. Prior to enlistment, he was a carpenter apprentice, at 35 cents an hour, and now states he has not had steady employment for over two years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds resulting in amputation of fingers.

An analysis of the evidence reveals:—

Claimant lay on the field wounded, for three or four days before he was picked up and carried to Menin. At hospital, in Stuttgart, he states his wounds were dressed every third or fourth day but never had his hand washed. After ten months he was transferred to Depot 2 but after two months his hand became infected and he went back to hospital. He complains of a nurse who tortured him with tweezers but apart from the alleged lack of treatment to his wounded hand and use of paper bandages, he makes no special charge of brutality. Two fingers were amputated in Winnipeg in 1919.

The medical record consists of a report by Dr. C. E. McCutcheon, who did not appear before the Commission, which indicates the loss of the ring and little fingers of the right hand and contracture of muscles in right forearm. Also metalarsalgia right foot from shrapnel, right ankle painful and loss of power from shrapnel, also general nervousness. The disability is fixed at 50 per cent. A statement is also filed, made by Charles G. Ritter, who was in hospital at Stuttgart, Germany. He knew claimant while in the camp and corroborates the story as to hospital treatment. The military medical report details the disability due to the war wounds.

Claimant's case rests upon alleged malpractice in not attending to his wounded hand. It appears that the original wound was quite extensive and I do not think that the record discloses that claimant's wounds were neglected or that anything that could have been done for him was omitted. He did receive treatment and dressings and the evidence fails to show any malpractice on the part of his captors. I regard the case as covered by pension. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 9, 1933.

**CASE 2585—WALTER BROWN BALMER**

Claimant was a Private in the 15th Battalion—Regimental No. 27160. He enlisted in August 1914, at the age of 18 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England January 1, 1919. He is not in receipt of pension, was married in June 1926 and has one child. Prior to enlistment, he was employed as a book-keeper, earning about \$10 per week, and is now a salesman, at about \$30 per week. Born in Scotland he came to Canada in 1912 and lived here until 1924 when he went to Chicago.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of punishment and



brutality for refusal to work on iron materials, illness and solitary confinement on bread and water and injury to the eyes while at work in the stone quarries.

An analysis of the evidence reveals:—

Claimant was attached to two main prison camps, Gottingen and Cassel, but worked at Commandos out of these two main camps at various places. He seems to have been subjected to rough treatment and suffered the usual beatings, blows from rifle butts, solitary confinement and long hours of labour, due to refusal to obey orders and to do the work prescribed. He evidently brought much of the trouble upon himself by his attitude to his guards. His present disorders, upon which he bases his claim, are defective vision, loss of teeth, nervousness, and stomach trouble. While at a stone quarry in Furstenwald (sic), his eye was accidentally injured by a piece of stone, and he was rushed to Cassel, where he was examined and given a shield to wear until he could get glasses at his own expense. The eye has always been troublesome since and he has had to get corrected glasses from time to time at his own expense. His teeth became defective and he had to have several upper front teeth extracted, also at his own expense. This he believes was due to the quality of the food.

A somewhat lengthy medical report is filed, prepared by Dr. J. F. Donahoe, of Chicago, who states that he has had the claimant under observation for six months and finds him suffering from a form of neurasthenia directly traceable to injuries and hardships experienced in Germany. The results of his examination indicate that the claimant has defective vision, chronic inflammation in the throat, enlarged uvula and missing teeth. Apart from the defective teeth, which can be attributed to the food, the disabilities attributable to claimant's experiences as a prisoner are chiefly the eye injury and the nervous disorders. The eye injury was the result of an accident and he was, seemingly, rushed to a doctor for examination without delay. Whether the treatment received was adequate, it is impossible to say, at least it has not been established that there was neglect and improper treatment sufficient to constitute maltreatment.

Claimant did not create a favourable impression before the Commission. His truculence of manner and general resentment, if adopted while a prisoner, must surely have brought down upon him punishment and harsh treatment. I cannot say from the record, that this treatment went beyond reasonable bounds as to amount to maltreatment. The accidental eye injury claimant sustained appears to have received treatment and it is not shown that he was neglected in this regard. The nervous affection complained of can scarcely be attributed to maltreatment. I am inclined to view it as temperamental. The complaint as to the extraction of teeth has not been shown to constitute maltreatment. On the whole, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

### CASE 2764—FRANK BARLOW

Claimant was a Private in the 16th Battalion—Regimental No. 28565. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England January 7, 1919. He states that he had been in receipt of a 10 per cent pension, amounting to \$5 per month, based on deafness in the left ear. It was discontinued. He was married in April, 1919 and has one child. Prior to enlistment, he worked at clearing land, earning \$4.50 per day and is now unemployed but had been a road work foreman, earning \$90 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a kick in the leg causing varicose veins, that he was beaten about the head, resulting in deafness, and of solitary confinement.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at the following camps, Giessen, Cellelager, Vehnemoor, Ostenmoor and Bokelah. He received a kick in the leg while at Bokelah causing a swelling. He was sent to hospital and cold compresses applied until the swelling subsided. While working on the latrines he received a severe beating about the head and was given five days in the cells for not obeying orders. Subsequently, in hospital, he was operated on in the ear without anaesthetic. He states that his ear now discharges continually.

The medical record consists of a certificate of Dr. D. J. Millar, who did not appear before the Commission. He finds claimant to be "suffering from impaired hearing with chronic disease of the left canal, general impairment of health as regards nervous system with tendency to functional disorders." He fixes the percentage of disability at 25 per cent. Claimant's medical history files refer to the ear condition and varicosity of the legs.

Claimant confines his complaint to his partial deafness and disabled legs, due to varicose veins. I am informed that it is unlikely that either of these conditions resulted from the blows related. It is significant perhaps that in the statement made by claimant upon repatriation, no mention is made of any assault upon himself—he recites a general bayonet charge upon the prisoners as a group. On the whole, I have reached the conclusion that claimant has not discharged the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2771—HARRY BELL

Claimant has not completed the usual documents of claim. He came before the Commission at Seattle, Washington, and explained his case. It appears that he served with the Imperial forces—the Kiltless Scotch Battalion—Regimental No. 41737. He enlisted on November 1, 1917, at 18 years of age, was taken prisoner on October 16, 1918, and repatriated to England on December 7, 1918. He is in receipt of pension. Prior to enlistment, he was an apprentice and since discharge has been a salesman but is now unemployed.

Claimant has applied for naturalization as an American citizen. It was explained to him at the hearing that this Commission is without jurisdiction to entertain his claim, because he became resident in Canada after January 10, 1920, date of the ratification of the Treaty of Versailles. For reasons which have been explained in my earlier report upon maltreatment cases, this Commission is without jurisdiction in such cases. Reserving, therefore, to claimant all his recourses, and without deciding the case upon its merits the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

**CASE 2321—JAMES BIGNEY**

Claimant was a Private in the 17th Battalion—Regimental No. 46050. He enlisted in August, 1914, at the age of 20 years and was taken prisoner in March, 1918, at Amiens, suffering from a bullet wound in the left shoulder. He was repatriated to England near the last of November, 1918. He is not in receipt of a pension, was married in 1919 and has five children. Prior to enlistment, he was employed as a miner, earning about \$1.75 per day, and is now following the same employment, averaging about \$15 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines, beatings with pick handles, that he was compelled to wear clogs which injured his feet and was badly smashed up by the falling roof of the mine shaft due to a misunderstanding of the guard.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 9 months. Taken first to Dulmen, he has no complaints. Sent to a coal mine at Vorbeck he complains of the hard work and beatings and an accident to which he attributes a weakened back. He was in the mines about 3 weeks. He was sent to hospital where he remained till about two weeks before the Armistice. He has no complaints of his treatment in hospital. Sent then to Munster No. 2, he was transferred to Holland. Claimant complains chiefly of his treatment during the first 3 months of his captivity when he was held behind the lines, and made to work handling bags of feed, notwithstanding his wounds. He speaks of the poor and inadequate food. He confines his complaint to the injury to his back.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant has not completed the usual declaration forms. His medical history files show nothing unusual. In the file appears a statement made by claimant upon repatriation which relates almost entirely to maltreatment to an Imperial soldier. He says practically nothing of his own treatment.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. Not only is there an entire absence of medical evidence showing any present disability, but the record does not disclose incidents of maltreatment which were likely permanently to injure claimant. He has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 15, 1932.

**CASE 2506—PHILIP BIRCHAM**

Claimant was a Private in the 1st C.M.R.—Regimental No. 622017. He enlisted December 22, 1914, at the age of 29 years and was taken prisoner June 2, 1916, suffering with a bullet wound in the left thigh. He was repatriated to England December 24, 1918. He is not in receipt of a pension but received a gratuity, based on a 3 per cent disability, amounting to \$75, covering his war service wound. He was married at the time of enlistment and had four children one of whom is now married and another deceased. Prior to enlistment, he worked as a freight hand, approximating about \$50 per month and is still employed in the freight sheds, earning about \$95 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper medical treatment of his wounds, bad food and of being compelled to work when unfit to do so.



An analysis of the evidence reveals:—

The claimant received hospital treatment at Duisburg, Friederichsfeld and Cottbus, where his wounds were dressed, but he complains of the use of improper bandages. He was given garden work in 1918, and later put at wheeling barrows at a gas factory. He found this work too heavy, due to the condition of his wounded leg and complained so insistently that he was taken before a doctor at Frankfurt. He states that he had to complain that the food was poisoning his stomach, before the guard would take him to the doctor. As a result, he faced court-martial for stating that the food was poisoned. Nothing came of his trial and he suffered no punishment.

Claimant adduced no medical evidence before the Commission, relying upon the record appearing in his medical history files. These reveal nothing unusual, his award of pension on the ground of neurasthenia being now before the Pension Appeal Court. He now complains of rheumatism, his stomach condition and continual headaches.

It would seem from the claimant's own story, and by comparison with the recitals of other prisoners, that he received fair treatment while a prisoner and suffered no particular abuse resulting in permanent disability. The mere fact of internment, without proof of maltreatment followed by disability, does not constitute a valid ground of claim. I have no hesitation in finding that the claim fails. It must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 6, 1932.

### CASE 2566—THOMAS BLAKEY

Claimant was a Sapper in the 2nd Canadian Engineers—Regimental No. 503313. He enlisted March 9, 1915, at the age of 33 years and was taken prisoner June 2, 1916, unwounded, but slightly gassed. He was repatriated to England December 14, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on the loss of the ring finger of the left hand and teno-synovitis of the right wrist. He was married at the time of enlistment and has two children. Prior to enlistment, he was employed as a coal cutter in a coal mine, earning \$150 per month, and is now a shoe repairer, not earning more than \$70 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, forced labour while ill, of being compelled to stand to attention for long periods, confinement, and an injury to the ring finger on the left hand, which necessitated amputation. He now suffers fairly constant pain in the head.

An analysis of the evidence reveals:—

Claimant first spent 2 months at Dulmen, where he suffered from starvation. He was moved about from place to place but was attached to Minden and Munster camps during practically the whole period of his captivity. Out of Minden, he worked at Abbe, Hanover and Frankfurt-on-Main and suffered two or three illnesses in hospital due to rectal haemorrhage, which he thinks was caused by the bad food. He was subjected to the usual rough treatment for refusal to work on Sundays, was compelled to stand to attention for long periods and given solitary confinement. While working in a blacksmith shop, he met with two accidents. The first was the result of a fall on a piece of broken bottle. He cut his wrist badly and had to have several stitches. He states that he received but little medical attention for this injury and as a result, the wrist movement is still weak. Later, while placing a piece of iron on a machine,

which was not properly guarded, he injured his finger requiring several amputations, finally resulting in the loss of the whole finger. He states that these amputations in Germany were performed without anaesthetic and that, with proper care, the finger could have been saved. He appears to have been excused from work for some twelve weeks after this injury and was then sent to a farm for the remainder of his period of captivity.

No physician appeared at the hearing but the medical record consists of four medical certificates by doctors J. S. McLeod, H. C. Dixon, J. R. Patterson, and Oliver Boyd, all of Medicine Hat, the last named having performed the final amputation of the finger. All of these certificates confine themselves to the injured finger and wrist which constitute the claimant's present disability.

Apart from the haemorrhages which are probably due to the condition of food in Germany, the claimant fails to establish any permanent disability due to maltreatment. Disabilities resulting from general food conditions in Germany, cannot be regarded as due to maltreatment (See Opinion annexed to my earlier report upon maltreatment cases). The loss of the finger and injury to the wrist are admittedly of accidental origin, and it has not been proved that had better treatment been received the finger might have been saved. Claimant is in receipt of pension, covering these disabilities, which, if not adequate, must be the subject of further submission to the pension authorities. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1932.

#### CASE 2305—J. A. BOSWELL

Claim was made by the above named claimant, apparently on the ground of maltreatment as a prisoner of war, but no particulars have been filed of record. It has since developed that claimant was not a prisoner of war. The claim is, accordingly, without standing before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 20, 1932.

#### CASE 2734—GEORGE EDWARD BRADLEY

Claimant was an Imperial soldier who served as a Corporal in the Royal Field Artillery—Regimental No. 56886. He was a reservist who had come to Canada in 1912 and was called up to the colours in August, 1914, at the age of 28 years. He was taken prisoner in April 22, 1915, suffering from gas, and was repatriated in March, 1918, through Holland. He had been in receipt of an Imperial pension of 6 shillings per week plus childrens' allowance, which pension was terminated by a 1 per cent permanent award, October, 1919. It was based on hernia. He was married in Canada in January, 1914, and has three children. Prior to enlistment, he was a plastering contractor, at \$5 per day, and is now an employee of the Ontario Liquor Control Board, at \$1,440 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, confinement, forced to labour in iron mines, where he developed hernia.

An analysis of the evidence reveals:—

Taken to Meschede, claimant was forced to work although his rank was recognized. He complains chiefly of the food. At Giessen, he was given three weeks punishment barracks for refusing to work. He was sent to Saltau for a short period and thence to Hestenmoor, where he was made to parade 10 hours per day. For attempting to escape he was paraded on bare feet around the barrack and received two weeks confinement. He was sent to an iron mine, where, in pushing a barrow laden with ore, he slipped and ruptured himself. He was given a truss but it was not satisfactory. He was immediately sent back to work, although suffering pain.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. T. Gemmell, who certifies that claimant is a nervous wreck, and suffers severe headaches. He fixes the disability at 50 per cent. Dr. J. A. Beatty certifies as to the condition of the teeth. All were extracted. Affidavits are filed by two acquaintances who knew claimant before and after the war, and who certify as to his present debilitated condition.

I regard claimant's case as purely pensionable in nature. The hernia which he developed while at work must be regarded as accidental in origin and not as resulting from maltreatment. Claimant's remaining complaints have to do with general conditions of camp life in Germany and do not, in my opinion, constitute such maltreatment as has resulted in disability (See Opinion annexed to my earlier report upon maltreatment cases). The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

#### CASE 2564—DONALD BREMNER

Claimant served with the Imperial forces, having enlisted in 1913, with the Royal Naval Reserve—No. 5312A—at the age of 16 years. He was taken prisoner in November, 1914, at Antwerp, and was repatriated to England in December, 1918. He is now in receipt of a 20 per cent disability pension, amounting to 8/7 per month, based on myocarditis. He came to Canada to reside in August, 1924. It was explained to him by letter, dated March 9, 1932, and also at the hearing at Calgary, on September 16, 1932, that the date of his arrival in Canada would preclude his claim from consideration at the hands of this Commission (See Opinion attached to my earlier report on maltreatment cases). A claimant must show that he established residence in Canada on or before January 10, 1920, the date of the ratification of the Treaty of Versailles, to entitle him to consideration before this Commission. Reserving to claimant all other recourses, and, without deciding the case upon its merits, it is disallowed, in so far as this Commission is concerned.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

#### CASE 2605—CAPTAIN HAROLD E. BRIDGE

Claimant was a Captain in the 19th Battalion. He enlisted in January, 1915, at the age of 28 years and was taken prisoner May 8, 1917, having been wounded by an exploding bomb, in the body, fore left hand, right forearm, left knee, feet and neck. He held the rank of Lieutenant when captured. He was



exchanged in April, 1918, and reached England August 30th of that year. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on disability in the left hand. He was married twice, first in 1916 and the second time in September, 1928, and has two step-children, one of age. Prior to enlistment, he was a Divinity student at Trinity College and is now teaching privately.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect to his wounds, dressings without anaesthetic, insanitary and filthy hospital wards, cruelty of a German surgeon in operating on his nose, and confinement.

An analysis of the evidence reveals:—

Claimant was first at Douai, where he remained five days without food. Taken to Tournai, he suffered neglect of his wounds, the dressings having become putrified. At Kempton, Bavaria, his finger was amputated after six weeks in hospital. He claims the amputation would not have been necessary had his wounds been properly attended. Here, the surgeon, without warning and with anaesthetic, operated on his nose, with the result that it caused intense pain and has never properly functioned since. It was never dressed. He blames deafness on this condition. He further complains that he was confined to one room in hospital at Bavaria for  $7\frac{1}{2}$  months although able to be out. He was finally allowed to go to one of the regular officers' camps. He attributes his nervous condition to this long confinement, the room being, he says "nothing more or less than a morgue." Due to the careless treatment of his hand he has lost power to grip and this is the basis of his pension. He finally landed in an officers' camp at Karlshue, whence he was exchanged.

The medical record consists of certificates of Drs. A. T. Spankie and E. P. Scarlett, neither of whom appeared before the Commission. Dr. Spankie certifies as to the nasal obstruction and defective hearing and fixes the disability at 100 per cent, in claimant's own calling. Dr. Scarlett submitted a lengthy report, dated March 20, 1932, with a finding of hyperactive nervous system. Subsequently he wrote, on May 30, 1932, to the Secretary of the Commission, requesting that his statement of March 29 be ignored. He says "It is my opinion that this man is a constitutional psychopathic individual, and, under such circumstances, hardly comes under the jurisdiction of the Reparations Commission." Claimant's medical history files note a neurasthenic condition without disability.

This case is somewhat unusual as to its neurasthenic aspects. Why claimant should have been kept confined for  $7\frac{1}{2}$  months in the manner described cannot be explained by claimant, nor does the record furnish any good reason therefor, unless it be inferred that he was already suffering from a form of neurasthenia, which, as will be seen from the medical evidence, was and is constitutional. Claimant was a prisoner for about a year and I cannot say that the evidence justifies a finding that claimant was subjected to maltreatment resulting in permanent disability. His pretention that his wounds were improperly and inadequately attended to with resultant disability has not been proven. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 27, 1932.

#### CASE 2370—FRANK HENRY BRONSKILL

Claimant enlisted as a Private in August, 1914, at the age of 24 years, with the second Battery C.F.A. He obtained a Commission November 6, 1916, and transferred to the Royal Flying Corps and held the rank of Lieutenant at the

time of capture. He was shot down while flying over Lille and was slightly wounded by a ricochet bullet which struck him in the chest. This occurred February 1, 1917. He was released from Germany December 25, 1918. He is not in receipt of a pension. He was married April 27, 1922, and has two children. Prior to enlistment, he was a bank accountant, earning \$1,100 per annum and held different positions after discharge and is now an accountant with a lumber firm, receiving \$1,300 per annum, although this is increased when the business is operating, to \$2,400.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, solitary confinement, exposure to cold, crowded quarters, insanitary living conditions, and he now suffers from impaired eyesight, nervousness, stomach trouble, loss of memory and general debility.

An analysis of the evidence reveals:—

Claimant's case is synopsised in his statement of claim. At Douai, he complains of solitary confinement, cold quarters, and poor food. At Karlsruhe, he was again confined, without cause. At Dobeln, conditions were much the same, but in his deposition he declares that "monotony" of imprisonment is his main grievance. An explanation for these confinements may be found in the fact that claimant with others, dismantled and removed a detectaphone apparatus discovered in their cells. At Schweidnitz, conditions were better but poor accommodation, lack of exercise and bad food are stressed as the main complaints. He complains of stomach disorders, loss of vision, nervousness and general debility as resulting from these experiences.

The medical evidence indicates that claimant suffers "almost complete loss of sight of left eye following ulcerative keratitis dating from 1918." His percentage of disability is stated at from 15 per cent to 30 per cent. Dr. J. H. Box, who certifies to the foregoing, also appeared before the Commission. He confirmed his diagnosis and explained that the impaired vision could result from under nourishment and blood infection. Claimant's medical history files show nothing unusual. He was discharged as fit.

The evidence does not disclose any particular maltreatment. That claimant was confined may have been due to his action in destroying the German detectaphone apparatus installed in his quarters. Whatever disabilities he may now suffer are nutritional in origin and cannot, in my opinion, be ascribed to maltreatment. The disability resulting from impaired vision, if established, would be a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 20, 1932.

*Commissioner.*

#### CASE 2604—ABRAHAM BROWN

Claimant completed the usual declaration forms, from which it appears that he served with the Black Watch—Regimental No. 5869, was taken prisoner March 21, 1918, wounded through the right shoulder. He was in receipt of an Imperial pension, which was discontinued in 1920. Claimant sets up maltreatment in Germany while a prisoner, resulting in disability, but did not appear before the Commission, although notified to do so, to substantiate his claim. Nothing has been heard of or from him for several months. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, December 28, 1932.

*Commissioner.*



**CASE 2649—JOSEPH CHARLES BRUCE**

Claimant was a Corporal in the 16th Battalion—Regimental No. 28715. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the right leg, and gassed. He was released to Holland in October, 1918, and reached England November 18 of that year. He is not in receipt of pension, was married in 1918, and has three children. Prior to enlistment, he was employed as an electrical lineman, earning \$5.40 per day and is now a stationery engineer, earning about \$150 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that, as an N.C.O., he properly refused to work and received several periods of confinement in dark cells, attempted to escape, was unduly punished and was refused his exchange, which should have been granted fully fifteen months earlier.

An analysis of the evidence reveals:—

Taken first to Giessen, claimant was then sent to Hestenmoor and to a punishment camp Z. X 10, where he with others, was forced to exercise by walking around in a circle 10 hours per day because they refused to work. He was compelled to remove his jacket and stand to attention for an hour, getting soaked to the skin. Then he was sent to Saltau and his certificate of rank ignored and torn up. For refusal to work on munitions, he was given periods of imprisonment in the cells with increasing terms. His exchange to Holland was unduly delayed owing to refusal to recognize his rank and he was finally released one month before the Armistice. He now suffers with rheumatism.

No medical certificates are filed and the military medical records indicate that on March 11, 1915, prior to capture, claimant was admitted to hospital suffering with rheumatic fever and discharged a few days later.

In this state of the record, it has not been established that claimant's present disability, if any, was the result of maltreatment at the hands of the enemy. His treatment does not appear to have been unduly harsh and he has failed to discharge the burden of showing a present disability resulting from maltreatment. The rheumatic condition of which he complains, was clearly present previous to capture. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 14, 1932.

**CASE 2640—HARRY H. BRYANT**

Claimant was a Private in the 7th Battalion—Regimental No. 16754. He enlisted in August, 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but gassed. He was repatriated to England December 1, 1918. He is not in receipt of a pension, was married in December, 1918, and has four children. Prior to enlistment, he was employed as a general labourer, earning \$3.50 per day, and after discharge resumed this occupation but is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour at coke ovens; that he was beaten with rifles and shovels because he was unable to work and received a cut in the leg during one of the beatings; was compelled to stand as near to the ovens as was possible and then compelled to



stand to attention for a long period. He states that he suffers with lung trouble due to gas, aggravated by the gas from the coke ovens.

An analysis of the evidence reveals:—

Claimant was first taken to Munster, and, after six weeks treatment, was sent to Dortmund and put to work on the coke ovens. He recites instances of beatings two or three times per week, and of being forced to stand within 10 or 12 feet of the ovens. The coke was pushed out towards him while sentries stood with bayonets to prevent him from backing away. This would last all day, chiefly on Sundays. Another Sunday, he with others, was lined up on a railway track while an engine approached. It stopped before they were run down. Sentries stood on either side of the track to prevent them breaking away. This treatment was as punishment for inability to work. He now suffers with chest trouble.

He files two certificates by Dr. A. D. Morgan of Alberni, B.C., to the effect that he suffers with bronchial trouble and fibrosis of both lungs. He fixes the percentage of disability at 75 per cent. He attributes the condition to dust and gas fumes from the coke ovens in Germany.

An earlier certificate of Dr. Morgan, written in 1930, and appearing on the Departmental files attributes claimant's lung condition to the gas he received when captured. An X-ray examination made in July, 1930, at the Shaughnessy Hospital, shows heart, lungs and mediastinum normal. Later examinations fail to reveal any disability in claimant. It is scarcely necessary to discuss the case further. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

#### **CASE 2582—VINCENT THOMAS BURGESS**

Claimant was a Private in the 1st Canadian Motor Machine Gun Brigade—Regimental No. 107125. He enlisted November 13, 1914, at the age of 27 years and was taken prisoner March 23, 1918, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of pension, was married in August, 1928, and has six children, three being step-children. Prior to enlistment, he was a dredge repair worker, at \$4 per day and board and is now homesteading.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the bad food, forced labour, lack of medical treatment and stoppage of parcels.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen and then to Darmstadt, where he went to hospital as the result of a fainting spell. After three or four weeks, he was returned to Giessen and then sent to Burgholms (sic) to work at a smelter. Here he suffered eye strain due to the glare and sulphur fumes. He accidentally broke his finger, shovelling iron ore, and was laid off for 4 days after his hand was bandaged. Later, he scalded his foot in another accident and had to walk four miles before he received any medical attention. He speaks of receiving a beating at Burgholms for not working fast enough. He complains of a stomach condition, due to the poor food.

No medical evidence was adduced and no medical certificate was filed. The military examination upon discharge notes the scars from the scald but otherwise nothing unusual.

Claimant was a prisoner for about eight months and, in comparison with other prisoners, appears to have received very little maltreatment. I do not find, in the record, any evidence of disability resulting from maltreatment. In such circumstances, claimant has failed to discharge the burden resting upon him and the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 9, 1933.

#### **CASE 2442—ARTHUR F. BURTON**

Claimant was a Private in the 1st C.M.R.—Regimental No. 106119. He enlisted February 20, 1915, at the age of 37 years and was taken prisoner June 9, 1916. He was repatriated to England December 16, 1918.

Notice of claim was filed by a firm of solicitors, in Toronto, but no documents, affidavits or other material in support of the claim have been filed. The claimant was notified to appear at Winnipeg for hearing, on September 13, 1932, but failed to do so. He, however, wrote to the representative of the Canadian Legion at Winnipeg under date of September 11, stating that it would be impossible for him to appear and asked him to present his case. This he was unable to do as he had no information.

It is obviously impossible to deal with this case in the absence of documentary or other evidence. The claimant has made no effort by way of correspondence or affidavit to furnish particulars, and, consequently, the claim must be disallowed, for lack of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 6, 1932.

#### **CASE 2796—ROBERT CALLAGHAN**

Claimant was an Imperial soldier who served as a Private in the Royal North Lancashire Regiment—Regimental No. 201826. He came to Canada in 1907, and enlisted November 30, 1915, at the age of 18 years. He states that he tried to enlist in Canada but was rejected on account of his youth so he returned to England and enlisted there. He was taken prisoner August 8, 1916, on the Somme, unwounded, and was repatriated to England in December, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a deckhand on ocean vessels sailing out of Montreal, earning up to \$18 per week and is at present unemployed although at his last job, as labourer, he earned \$22.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows on the head while working in the coal mines resulting in complete deafness in the right ear and injury to eyesight.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and, after two months, was sent to the stone quarry where he states the work was too hard and the food inadequate. He was moved to Munster and was placed in a coal mine at Ekearm (sic), where he stayed about a year. While working with civilians in the shaft, he was knocked down by one of them for not working fast enough. A fight ensued and he received several blows over the head rendering him unconscious. He is



now deaf in the right ear. He was shipped back to Munster No. 2 and was placed before a court-martial but was acquitted. He was then shipped to a munition factory at Witten where he remained until the Armistice. For refusing to work on munitions, he was given a period of standing to attention. A compromise was effected whereby he and others were to work around the factory but not at munitions. He received a beating here with a rubber hose for no cause. He complains now of head trouble consisting of dizzy spells and blurred vision.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files are not available.

Claimant bases his complaint upon deafness in the right ear. It was evident, at the hearing, that he was far from deaf in this ear and could hear questions put to him in a low voice from the right side. In the absence of medical evidence establishing some present disability connected with claimant's experiences as a prisoner, the claim cannot succeed. Such evidence has not been furnished. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2289—FREDERICK ARTHUR CARTWRIGHT

Claimant was a Private in the 29th Battalion—Regimental No. 706412. He enlisted December 27, 1915, at the age of 18 years and was taken prisoner May 8, 1917, suffering from slight shrapnel wounds in the right cheek, and concussion. He was repatriated to England December 12, 1918. He is not in receipt of a pension, was married in March, 1925, and has one child. Prior to enlistment, he was employed as a lather, earning \$6 per day and is now unemployed although he had been in a logging camp at \$3.50 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, confinement, being tied up by the thumbs and compelled to stand to attention; also that he was struck in the groin by a bayonet.

An analysis of the evidence reveals:—

First taken to Douai, claimant states that he was beaten into unconsciousness for refusing to divulge information concerning the Canadian army. He was then confined to a cell for three days without food. At Fort McDonald, he was again interrogated and strung up by the thumbs for refusal to answer. He hung with toes touching the floor for five hours. He was then left in confinement for 21 days on bread and water. He was again struck on the head with a rifle and knocked unconscious and lost a tooth. In Germany, he was attached to three camps. First at Dulmen, where he complains of the food, then at Burgensteinfort, and finally at Munster. From this latter camp he was sent to work at an iron foundry, where, for refusal to work, he was compelled to stand to attention in the hot sun. After 6 hours he collapsed. He went through this again at Duisburg and again collapsed. He now suffers severe headaches as the result of this treatment. At Munster, the day after the Armistice, he remarked to a sentry that the war was over and was struck in the groin by a bayonet. He now carries the scar. He further complains of neuritis in the knee due to working in the rain.

There is no medical evidence of record not even the usual certificate of a doctor. Claimant's medical history files show nothing unusual. He was discharged from the service with the notation "all systems normal."



Claimant has failed to establish any disability resulting from maltreatment. His mere statement, unsupported by medical testimony, that he suffers from headaches, his knee and possibly a leg injury, is insufficient to establish such fact. Claimant's recourse, if any, would appear to be before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2680—NORMAN CHRISTY

Claimant was a Lance-Corporal in the 7th Battalion—Regimental No. 16853. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 12, 1918. He is not in receipt of pension, was married in March, 1924, and has four children. Prior to enlistment, he was working as an electrician in a saw mill, earning \$4 per day, and is now unemployed, though for a time he was with the Dominion Forestry Branch, at \$165 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, that he was forced to work while ill, was beaten, and desired medical and dental treatment. The file contains a declaration by Harold L. Tyack, a fellow prisoner, who corroborates his story as to illness while a prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he spent about five weeks in hospital. He complains of the food, both as to its quality and scarcity. He contracted rheumatic fever due to dampness, exposure and his weakened condition. At a saw mill in Westphalia, while suffering from rheumatism, he tried to lay up, was badly beaten with a rifle, and received a blow in the back of the neck which still pains him. Every time he was sent out on working parties he eventually was returned to Giessen because of his illness.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files refer to a condition of nervous debility.

Claimant's chief complaint seems to be that he suffers from rheumatism. It is difficult to say that any maltreatment in Germany induced this condition. It may more properly be said to be due to exposure, lack of food and poor living conditions (See Opinion annexed to my earlier report upon maltreatment cases). Viewing the case as a whole, and in the absence of medical evidence, claimant has not established a present disability resulting from maltreatment. I consider that his case is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2670—WALTER W. CLARKE

Claimant was a Private in the 87th Battalion—Regimental No. 793137. He enlisted in January, 1916, at the age of 39 years, and was taken prisoner August 17, 1917, suffering from gunshot wounds in the right thigh and left foot.

He was repatriated to England in December, 1918. He is not in receipt of a pension, but received a gratuity of \$100 for his wounds. He was married at the time of enlistment and has three children, two of whom are of age. Prior to enlistment, he was employed as a lumberman, earning \$4 per day, and is now trying to farm but without much success. He expects to lose his farm through foreclosure.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, absence of medical treatment and lack of food, that he was compelled to work in the woods although scarcely able to walk, and was kept at work on a farm in the interior of Germany until long after the Armistice.

An analysis of the evidence reveals:—

Claimant was first taken to Lens, where his wounds were attended. He complains that the treatment was inadequate. Removed to Langensalza, he again complains that he received no medical attention, and of starvation. He was not subjected to physical abuse nor was he compelled to work. Sent out and made to work in the woods, he declares that he was unfit to do so in his condition of weakness and injury. He was next sent to a farm but has no complaints, except as to being confined to cells for what appears to have been minor infractions of discipline. He now complains of a heart condition and weakness in the legs.

The medical evidence indicates that claimant suffers from arterio sclerosis with heart lesion. His percentage of disability is stated at 100 per cent in the general labour market. Dr. W. B. Grant, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the heart condition, which is evidently the subject of pension consideration at the moment.

In this state of the record it is impossible to reach a finding in claimant's favour. His main complaint is as to lack of food. As explained in Opinion annexed to my earlier reports, this general condition of camp life cannot of itself be regarded as maltreatment. I do not think it follows that claimant's present state of health results from these conditions. At his present age, claimant must expect some diminution in his physical vigour. On the whole, I must find that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim, if any, is a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 13, 1932.

#### CASE 2760—WILFRED CLARKE

Claimant was a Private in the 3rd C.M.R.—Regimental No. 108154. He enlisted December 18, 1914, at the age of 29 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in right shoulder and left arm. He was repatriated to England December 27, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$11.25 per month, based on varicose veins. He was married in 1905 and has three children, now all of age. Prior to enlistment, he was employed as a plasterer, earning \$6 per day and is now unemployed, but tried farming for a time after discharge and had to abandon it owing to his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, starvation, hard labour and confiscation of parcels.



An analysis of the evidence reveals:—

Claimant was treated for his wounds at Courtrai, and sent to hospital at Julich, as to which he has no complaints. He seems to have spent short periods at Stendal, Wittenberg, Quedlinburg and Altengrabow. He speaks of a thrashing received at Wittenberg, because of inability to understand German. He was sent to work in a coal mine, on surface work, and was beaten on several occasions. He began to be troubled with varicose veins but received no treatment. He was next sent to work at a sugar factory at Alderstadt, where he complains of very hard work. Returned to Wittenberg he was placed at cutting wood and complains that food parcels were confiscated. He remained here until the Armistice.

The medical record consists of a certificate by Dr. John W. Scott, of Edmon-ton, who states that he has known the claimant for some 18 months and finds him suffering from severe enlargement of the heart, and varicose veins in the left leg. The certificate recites: "This man has myocardial degeneration. His overseas experience was undoubtedly a factor in aggravating the condition." Claimant's medical history files refer to the conditions noted and indicate that the inception of varicose veins occurred before capture.

I regard this case as one for the consideration of the Board of Pension Commissioners. Claimant's health appears to have been affected by the general conditions of camp life in Germany and not by any particular maltreatment on the part of his captors (See general Opinion annexed to my earlier report upon maltreatment cases). Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1932.

### CASE 2651—COLIN CHARLES CLIFFORD

Claimant was a Private in the 7th Battalion—Regimental No. 23377. He enlisted in August 1914, at the age of 34 years and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded with shrapnel in the leg. He was repatriated to England January 1, 1919. He is not in receipt of a pension, was married in October 1919 and has no children. Prior to enlistment, he worked as a miner and on construction work, earning from \$120 per month, upwards. He is now unemployed but had been engaged in leasing mines, averaging about \$400 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being knocked down, kicked and beaten with rifles, resulting in a rupture. Denial of medical attention, forced to work while unfit. Received blows which fractured the skull and smashed his right foot and leg.

An analysis of the evidence reveals:—

Claimant served his period of captivity attached to several main camps in the following order, Giessen, Saltau, Lichtenhorst, Eschede and Hameln. At Giessen he states he asked for medical treatment of his wounds which was refused. While working at Lechbach, breaking up scrap iron, he was badly beaten and kicked, resulting in a rupture. This beating was because he refused to continue longer with this work believing it to be for the manufacture of munitions. At Eschede, he had contracted elephantiasis, his legs being so swollen he could scarcely stand. He was forced to continue at work and when he asked for medical attention it was denied him and he received another beating, causing an injury to his head and smashing the bones in his ankles. He was still refused medical attention. The rupture again protruded after this beating. He alleges



that he was never insubordinate and only refused to work when he believed he was being asked to do what he should not have been compelled to do. Since discharge, he claims he is unable to carry on his ordinary employment and has been under medical observation practically ever since. Questioned as to the swollen legs, he admits it may not have been elephantiasis but says they had to call it something and gave it that name.

The medical record consists of two certificates by Dr. A. Francis, who did not appear before the Commission. He finds claimant suffering from headaches, dizziness, pain and swelling in the right ankle and foot, cramp in the right leg, general weakness and an abdominal pain over the umbilicus. X-ray photos of the head are on file, revealing a healed fracture of the inner table of the skull. There is an umbilical hernia, the opening admitting the index finger. A marked varicose condition of the right leg is noted and a healed scar extending over the right tibia can be made out. The military medical examination upon discharge reveals nothing unusual. In a statement made after repatriation he speaks only in general terms of camp life in Germany and does not relate any of the instances of maltreatment which are set out in the evidence given before the Commission. Several certificates are filed by former prisoners, employers and acquaintances, to corroborate the story of his condition upon return to Canada.

The disparity between claimant's testimony and the statement made by him upon repatriation is quite marked. In the latter document he scarcely refers to any brutality to himself but confines his statement to general recitals of harsh treatment to others. It seems inconceivable, had he encountered the personal brutality he later tells, that he would not have reported it fully when examined in England. Having regard to this state of facts and to the medical evidence of record, I do not consider that I would be justified in reaching a finding in claimant's favour. On the whole, I regard the claim as possibly one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

#### **CASE 2510—FREDERICK G. CLIFFORD**

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on July 5, 1915, was taken prisoner on June 5, 1916 and repatriated to England on November 30, 1918. He is in receipt of a 20 per cent disability pension. No other information concerning claimant is available. He was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to appear. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

#### **CASE 2538—JOHN JOSEPH CLOUGHER**

Claimant has not completed the usual documents of claim. He came before the Commission, at Edmonton, and explained his case. It appears that he served with the Imperials—4th Battalion (Notts & Derbys)—Regimental No. 20032.

Claimant first came to Canada in May, 1926. He enlisted in April, 1916, at 18 years of age, was taken prisoner on April 23, 1917, unwounded, and repatriated to England in December, 1918. He was in receipt of pension, which has since been discontinued. He is married and has six children. Prior to enlistment, claimant was employed on a farm. He is still following the same occupation.

It was explained to claimant, at the hearing, that, as an Imperial who first came to Canada in 1926, he has no standing before this Commission. In cases of Imperial soldiers, it is only those who became resident in Canada previous to January 10, 1920, date of the ratification of the Treaty of Versailles, who are entitled to consideration (See my earlier report upon maltreatment cases). Reserving, therefore, to claimant all his recourses, and without deciding the case upon its merits, the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2694—CHRISTOPHER COATES

Claimant was a Private in the 15th Battalion—Regimental No. 799870. He enlisted in January, 1916, at the age of 19 years and was taken prisoner September 23, 1917. He states he was not wounded, although the military records indicate gunshot wounds in the back, face and left hand, either at time of capture or shortly before. He was repatriated to England December 15, 1918. He is not in receipt of pension, was married in December, 1919, and has one child. Prior to enlistment, he was employed in the hardware trade, earning \$12 per week and is now with the Toronto City Parks Department, at \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the stone quarries, exposure to cold due to lack of clothes, of beatings, having his head cut open, and confinement to dark cells.

An analysis of the evidence reveals:—

Claimant was first detained at Douai, Mannheim and Dulmen for short periods but has no complaints, except as to the food. Sent to the stone quarries at Heuburg, he complains of having to work in the winter without underclothing. Next sent to a farm at Bochum, he states he was knocked down a flight of steps by a sentry, cutting open his head and injuring his nose. This was followed by a period of confinement for five days without food. He still has trouble with the injured nose.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. L. Gardiner, indicating a fracture of nasal septum and dislocation of nasal bones with a disability up to 90 per cent in claimant's own calling. A certificate by Dr. A. J. Prentice is filed, who finds that claimant is very nervous, rapid pulse on exertion, has a cough with expectoration; diagnosis acute bronchitis. A certificate by Dr. H. A. Hession is also filed. He states that claimant suffers from neurasthenia coupled with nervous exhaustion, rapid heart, chronic bronchitis and nervous indigestion and declares that he cannot follow an indoor occupation. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

By comparison with the statements of other prisoners in Germany, claimant's experiences were not particularly harsh. I cannot say, from the record, that the nose injury has left any appreciable disability. His remaining ailments, if attributable to his experiences as a prisoner, would appear to be the result of general conditions of life which were common to all prisoners, and can-

not be said to follow from any particular maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

### CASE 2607—H. H. COLLINS

Claimant was a Private in the 13th Battalion—Regimental No. 445011. He enlisted in June, 1915, was taken prisoner in October, 1916, and was repatriated in December, 1918. He made application to this Commission in March, 1932, and forms were forwarded to him on March 21st of this year. They have never been returned, nor is any additional information available. Claimant was notified to appear for hearing, at St. John, N.B., on June 15, 1932, but failed to do so. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2790—HUGO ROSS COLLVER

Claimant was a Private in the 14th Battalion—Regimental No. 796542. He enlisted December 23, 1915, at the age of 19 years and was taken prisoner April 21, 1917, unwounded. He was repatriated to England November 28, 1918. He is in receipt of a 70 per cent disability pension, amounting to \$103.50 per month for himself and family, based on osteo-arthritis of the spine. He was married in July, 1921, and has four children. Prior to enlistment, he lived with his father on a farm and is now engaged in teaching school, at \$1,800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour at heavy tasks, exposure, inadequate clothing and starvation.

An analysis of the evidence reveals:—

Claimant passed through the notorious Fort McDonald at Lille, where he received no food, and landed at Avelin reprisal camp. Here he worked long hours per day, seven days per week and was compelled to continue while suffering from boils. Finally he was admitted to hospital at Tournai, suffering from septic sores and states that he was vaccinated against smallpox, which spread to the sores. He received no medical treatment for this condition. Upon recovery, he was sent to Aniche, near Douai, where he worked in a lumber yard and no fires were allowed in the billet. The prisoners gathered wood and made a fire which was put out by the guards and they were driven to their bunks with rifle butts. The exposure and cold resulted in claimant developing rheumatism. At Denain, he was placed at loading shells on freight cars and pushing the cars about a mile down the track. He states that besides being illegal, this work was too arduous. He received beatings on several occasions but no permanent injury resulted. He was exposed to shell fire from the front line at times. Next he was at Soignes (sic) working in a tannery and finally at Leige until the Armistice. He now suffers with arthritis of the spine as a result of the treatment and exposure while a prisoner. Claimant was questioned by the medical examiner to the Commission concerning his diary which does not seem to bear out entirely his story of maltreatment.



No medical evidence was adduced at the hearing, the record consisting of a copy of a certificate of Dr. B. C. Archibald, which indicates that claimant suffers with osteo arthritis localized in the lower dorsal and lumber vertebrae. A copy of a certificate by Dr. G. E. McCartney is filed, indicating the same trouble. A further certificate by Dr. McCartney fixes the disability at from 70 per cent to 90 per cent. The record is completed by copies of certificates by fellow prisoners corroborating claimant's story. Claimant's medical history files show nothing unusual, apart from the condition for which he receives pension.

Claimant has filed a diary kept by him while he was a prisoner. In reading this document, it is, at once, apparent that claimant's treatment was not as severe as his testimony would now indicate. This fact was pointed out to claimant at the hearing, but the explanation of the discrepancies was not very satisfactory. I am not convinced that the condition of arthritis, of which claimant complains, can be ascribed to his treatment as a prisoner. It may, and probably did, result from general conditions of camp life in Germany and in my opinion, is fully covered by the pension which claimant receives. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

#### CASE 2483—ITHAMER COMFORT

Claimant was a Sapper in the 2nd Tunnelling Company—Regimental No. 503456. He enlisted January 13, 1916, at the age of 26 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918, having reached Holland on the 7th of that month. He is not in receipt of pension but has an application therefor pending. He was married in February, 1919, and has three children. Prior to enlistment, he was employed as a dairyman, earning \$60 per month and board and at present is selling insurance, earning about \$60 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, rough treatment, heavy labour and that he received a kick, which resulted in hernia.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and then sent to the village of Engers, where he was placed on railway construction. The work was heavy and while lifting steel girders, which were too heavy, he received a kick in the groin and was made to lift the burden. About an hour later he felt pain and states that "my side all came down." He was left in barracks for a week, without medical attention, and was then placed on a farm, where he remained a year and received fair treatment. In June, 1918, he was sent to Limburg and was placed at firing furnaces in a glass factory but could not continue, so he was placed in a factory at light work. His condition became worse and he was supplied with a truss which did not fit. He finally reached Holland.

No medical testimony was adduced at the hearing, but a certificate of Dr. R. L. Stewart, of Blairmore, Alta. is filed, indicating that claimant suffers from a right inguinal hernia. He fixes the disability at from 30 per cent in his own calling to 50 per cent in the general labour market.

I do not consider that it can be said that the hernia from which claimant suffers is traumatic in origin. I am informed that such a result is rare. I am inclined to think that the injury was accidental in origin. It is referred to in

claimant's pension documents as "Post discharge." Claimant made no mention thereof when discharged and was apparently passed "all systems normal." In these circumstances, claimant has failed to show a disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

### CASE 2778—WALTER CONLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 111107. He enlisted November 28, 1914, at the age of 25 years, and was taken prisoner June 2, 1916, suffering with shrapnel wounds in the head and legs and a touch of gas. He was repatriated to England December 24, 1918. He is not in receipt of pension, was married in April, 1920, and has four children. Prior to enlistment, he was employed in the kitchen of a passenger vessel, earning \$35 per month and board, and is now an elevator operator at \$17 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a double hernia, the result of a blow with a rifle while he was in the act of lifting a heavy steel girder. Now suffers severe pain and has to wear a suspensory.

An analysis of the evidence reveals:—

Claimant received hospital treatment at Aachen and Cologne, was transferred to Stendal and thence to Wittenburg. Here he worked on a farm and complains as to the food and a beating received for not being able to work. For resisting this beating and striking the guard he received fourteen days confinement. He was next sent to Altengrabow and succeeded in having corporal's stripes sewn on his sleeve. Unable to verify his rank he was taken to Gardeleben and then to Zerbst, where he was placed at hard labour. In moving iron girders he was struck by a guard with a rifle, in the side, just as he was lifting, which is stated to have caused the hernia from which he now suffers. After a short lay-off, and being fitted with a truss, he was put back to work, but after a collapse he was allowed rest until the Armistice. He states that an operation was performed in Canada for the hernia, which was successful, and that he now suffers from his chest and pains in the back.

The medical record consists of a certificate by Dr. J. R. Davidson, who did not appear before the Commission. He has known claimant since 1920, and finds that he suffers from periodic attacks of sub-acute bronchitis. He fixes the disability at from 35 per cent to 40 per cent. The military medical board on discharge indicates "double inguinal hernia. Operation military hospital St. John 15/3/19. Good recovery. No disability at present time."

Claimant was successfully operated upon for hernia and suffers no disability therefrom. His explanation of the origin of this injury is not the same in his testimony as it appears in statement appearing on his medical files. In one case he says it was due to a blow lifting steel girders, and in the other that it was developed while lifting heavy bags. Claimant speaks of being gassed when captured. This is practically the only case in which the Germans are said to have employed gas on June 2, 1916. Claimant may have been treated roughly, but I do not consider that he has succeeded in showing a present disability resulting from maltreatment. His story of his experience was not impressive. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 9, 1933.



**CASE 2532—JOHN ALEXANDER CONNOLLY**

Claimant was a Private in the 13th Battalion—Regimental No. 427058. He enlisted May 4, 1915, at the age of 31 years and was taken prisoner October 8, 1916, suffering from gunshot wound in the left arm and a superficial shrapnel wound in the stomach. He was repatriated to England December 15, 1918. He is not in receipt of a pension, and is unmarried. Prior to enlistment, he was employed as a clerk on the staff of the Y.M.C.A. at Regina, at \$75 per month, and is now a salesman in a shoe store, earning \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while ill with influenza, that he was made to stand to attention during the dinner hour because of unfinished work and kept at work late at night until the day's work was completed. Blows from rifle butts and bayonets.

An analysis of the evidence reveals:—

Claimant was first sent to hospital after capture, where he remained four months. He has no complaints as to his treatment in hospital. After release, he was sent to Altdamm, and, after a short stay, was sent to a chemical factory near Stettin, where he served the remainder of his period of captivity. Here he was placed at labour shovelling and wheeling coal and phosphate and received the usual knocks and blows but suffered no permanent injury. The work was too heavy and more than a man could do, and, in consequence, he states that he now suffers from heart strain and stomach disorders.

A medical certificate by Dr. W. A. Lincoln is filed, indicating that claimant has a permanent enlargement of the heart, probably the result of war service. His medical history files show nothing unusual.

There is no evidence of maltreatment beyond the excessive hard labour which seems to have been the lot of most prisoners. The claimant has thus failed to establish the elements necessary to an award, viz: maltreatment followed by permanent disability. His recourse, if any, should be found before the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROLL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 13, 1932.

**CASE 2708—ALFRED CORMACK**

Claimant was a Private in the 4th Battalion—Regimental No. 784034. He enlisted November 15, 1915, at the age of 24 years and was taken prisoner in January, 1918, unwounded. He was repatriated to England December 4, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$23 per month, based on chronic bronchitis. He was married in May 1921 and has one child. Prior to enlistment, he was employed as a shoemaker, earning \$15 per week and is now a postal-helper, at \$1,020 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings and of having his side crushed, fractured ribs in the coal mines, denial of medical aid, and of starvation.

An analysis of the evidence reveals:—

Claimant first spent two weeks in confinement at Fort McDonald in Lille. He received a beating from guards for not understanding orders while hauling coal. He was then taken to Stoppenburg to work in a coal mine, but stopped at Dulmen en route, where he remained eleven days undergoing seven or eight



inoculations. At Stoppenburg, he relates that his side was crushed when a horse was driven against him in the narrow mine tunnel. The doctor instead of treating him for his fractured ribs, knocked him down. He received other beatings and states the quarters were poor, the food bad, and that he suffered from the cold due to lack of clothing and heat in the barracks. He states that an attempt was made to force him and other prisoners to work after the Armistice was signed and that they were fired upon by the sentries and three prisoners were killed.

No medical evidence was adduced at the hearing, the record consisting of a certificate by a doctor (name indecipherable) indicating chronic bronchitis with a 20 per cent disability. Claimant's medical history files show the condition of bronchitis, for which he receives pension.

Claimant's testimony varies materially from the statement made by him upon repatriation, which is filed with his military record. I am not convinced that the incident of having his ribs crushed by a horse, if it occurred as related, was deliberate, nor does the evidence establish any disability resulting therefrom. The condition of bronchitis, if established, might give claimant entitlement to pension but does not meet the requirements before this Commission, viz., proof of present disability resulting from maltreatment. On the whole, claimant has failed to discharge the burden resting upon him. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

#### CASE 2759—ANDREW COWIE

Claimant was a Private in the 31st Battalion—Regimental No. 161092. He enlisted December 15, 1915, at the age of 35 years, and was taken prisoner May 3, 1917, suffering with gunshot wounds in the right buttock and a fractured kneecap. He was repatriated to England December 7, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on his war service injuries. He was married in April, 1903, and has three children, all now of age. Prior to enlistment, he was employed as a building contractor, earning about \$7 per day, and since discharge he has been farming.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury due to a plank falling on his head, forced to labour in coal mines, beatings, and an injury in the mine, being caught between the coal hatch and the cage.

An analysis of the evidence reveals:—

Claimant was marched 18 kilometres to Douai, suffering with fractured kneecap. He received treatment for his knee injury and was in hospital four months. Here, he injured his head due to the accidental falling of a 16-foot plank. At Dulmen, for three weeks, he has no complaints, but in the coal mine at Bochum he suffered injuries to his back due to having been jammed in a hatch. He was carried out on a stretcher, was sent to hospital for six weeks and has no complaints. Thence he was sent to Munster, in Westphalia, where he remained until the end of his period of captivity.

Attached to the declaration is a certificate by Dr. A. H. Mann, who has attended claimant since June, 1921. He finds him to be suffering from sciatica and lumbago, with disability from 75 per cent to 100 per cent. Other medical certificates are appended indicating the condition of lumbago, weakness in the knee, arthritis and infected teeth.

The injuries received by claimant while a prisoner are the result of accidents and cannot be attributed to maltreatment. It is not unusual to find a man of claimant's present age suffering with lumbago and rheumatism, and I cannot find in his evidence any indication that maltreatment, whilst a prisoner, induced or augmented his disabilities. I am not unmindful that claimant spent some months in the coal mines, but this period of his captivity was of comparatively short duration (see Opinion annexed to my earlier report on maltreatment cases). On the whole, I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

### CASE 2517—NORMAN CRANSTON

Notice of claim was received from the above-named claimant in 1931. It appears that he served with the Imperials, Durham Light Infantry, Regimental No. 21/408. He asserts that he had been resident in Canada since 1913, but went home to enlist in 1915. He was taken prisoner on April 23, 1918, unwounded, and repatriated to England on December 23, 1918. Although appearing as an Imperial, claimant was notified to appear before the Commission at its Calgary sessions, on September 16, 1932, but failed to do so. His default has remained unexplained. The claim must, accordingly, be dismissed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2753—JOHN CRAWFORD

Claimant was a private in the 7th Battalion—Regimental No. 17209. He enlisted in August, 1914, at the age of 37 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 27, 1918. He is not in receipt of pension but is receiving the Veteran's allowance of \$20 per month, and is a widower, with one child, now of age. Prior to enlistment, he was employed as a contract miner, earning about \$150 per month, and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, confinement, forced labour while ill, and a broken finger from a blow by a rifle butt.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he remained for about 8 months and was then sent to Mannheim to work on munitions. The work was too heavy for him and he was given a beating and was confined to barracks for one month. He was next tried at the gas factory and received another beating for not working fast enough. He was sent to Lichtenhorst in January, 1916, and was examined by a Belgian doctor and pronounced unfit to work due to a swollen ankle. He was, however, placed at work on the moors and being unable to carry on due to his ankle, was knocked about and had two teeth knocked out by a rifle butt and a finger broken. He was then confined to cells, and while there,



received another beating. He was confined for 10 days, without any food whatsoever for two days. He was next given light work and was sent up for examination before the Swiss Commission. He was then sent to Saltau and finally to Königsberg on lumbering work. He worked here until the summer of 1918. During this period, he was suffering from a rupture and being unable to work further was returned to Saltau, where he remained until the Armistice. Claimant complains of swollen legs (varicose veins) and injury to his little finger. Claimant made a statement upon repatriation which coincides with the story now told before the Commission.

No medical evidence was adduced and no certificate is filed in support of the claim. Claimant's medical history files refer to his disabilities as post discharge.

In the absence of medical evidence establishing a present disability resulting from maltreatment, it is impossible to reach a finding in claimant's favour. He told a very straightforward story but the mere statement by him that his disabilities are the result of his experiences in Germany is not sufficient to base an award, particularly since his pension records indicate his ailments of varicose veins, duodenal ulcer and neurasthenia as post discharge. The hernia condition has not been shown as otherwise than accidental. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 24, 1933.

### CASE 2803—CHARLES CRAWLEY

Claimant was a Private in the R.C.R.—Regimental No. 552029. He enlisted in February, 1915, at the age of 29 years, and was taken prisoner on October 8, 1916, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension, was married in 1924, and has one child, adopted. Prior to enlistment, claimant was a farmer, earning \$40 per month, and is now a night watchman at a garage, earning about \$30 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy work in the coal mines, where his fingers were injured and he was compelled to work notwithstanding such injuries, and made to stand to attention for long hours, as punishment.

Claimant did not appear before the Commission, but in detailed statement submitted he complains that in March, 1917, while working in the coal mines near Bochum, he was hit across the fingers of the left hand with an iron bar in the hands of a guard, tearing the finger nails off the first three fingers. He received some medical attention for the injury, but was compelled to return to work almost immediately, and suffered intense pain. Because he could not work, he was made to stand to attention for periods of six hours. Again, in May, 1918, while loading rocks the German guards were so careless in throwing the rocks that the index finger of claimant's right hand was broken. He had protested as to the danger of the work, but his protests were unavailing. He was again compelled to continue working in this condition. He has no complaints as to the medical treatment received but stresses the fact that he was compelled to work when unfit.

The medical evidence indicates that claimant is unable to "flex the terminal phalanx of index finger, right hand. When forcibly flexed and let go it snaps back. Very slight sensation in skin of the terminal  $\frac{3}{4}$  inch of this finger." His percentage of disability is stated at 10 per cent. Dr. S. W. Walker, who cer-



tifies to the foregoing, did not appear before the Commission. Claimant's medical history files show no disability upon discharge from the service.

It will be observed, from the medical evidence, that there is apparently no disability in claimant's left hand. The injury to the finger of the right alone is mentioned. The injury was accidental in origin, however careless the guard may have been, and I cannot say, from the record, that there is any evidence supporting the view that the present 10 per cent disability results from maltreatment. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 30, 1933.

### CASE 2577—ROBERT CRICHTON

Claimant was a Private in the 13th Battalion—Regimental No. 24120. He enlisted in August 1914, at the age of 34 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married in January 1922, and brought up two children, having married a widow. Prior to enlistment, he was employed as a miner, earning \$3.50 per day, and is now a fire boss, earning \$6.75 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, bad food and an injury to his foot which seems to have occurred before capture.

An analysis of the evidence reveals:—

Claimant was first taken to Meschede, where his only complaint is as to the food. At Giessen, he was sent out gardening and seems to have been fairly treated, except that his injured foot troubled him and he was not allowed medical attention. The foot seems to have been sprained in jumping a trench some time before his capture. He was sent to the moors to labour, as punishment for laughing at a German Corporal, and complains of exposure, being compelled to work long hours in water. He received several clouts with rifle butts, but suffered no permanent injury.

Dr. G. Blair Ross, of Hillcrest, Alta., certifies that he has attended the claimant for the past ten years and finds that every three months the left foot becomes swollen and tender, requiring absolute rest, with elevation, for from three to five days. Claimant's medical history files show nothing unusual.

Claimant is evidently under the misapprehension that the Commission is authorized to deal with pensions. His present disability results from the wound received at or before the time of capture, and the evidence does not justify a finding that the injury was aggravated due to maltreatment whilst a prisoner. The hard labour, of which he complains, has not been shown to have resulted in disability. The claim, if any, is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 13, 1932.

**CASE 2731—ERNEST HENRY CROFTS**

Claimant was a private in the 4th C.M.R.—Regimental No. 113155. He enlisted August 19, 1915, at the age of 22 years and was taken prisoner June 2, 1916, suffering from gunshot wound in the right hip, gas and shell-shock. He was repatriated to England January 4, 1919. He is in receipt of a 60 per cent disability pension, amounting to \$60 per month, based on bronchitis and asthma. He was married in March 1921 and has no children. Prior to enlistment, he was employed as a cooper, at \$1.75 per day, and is now doing light jobs, at about \$3.50 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the food, exposure to cold, and starvation.

An analysis of the evidence reveals:—

Claimant first spent a few weeks in Cologne hospital, followed by six months at Stendal where he complains that he was compelled to be out at work in all weathers. Next on a working party in the woods at Magdeburg, for three months, he states he was kept out in snow and rain and was nearly frozen at night. Received the usual kicks and blows but nothing serious enough to cause disablement. This was followed by three months at Wittenberg under the same conditions of hardships and exposure. At Altdamm and Zerbst, the complaints are **similar**.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. W. A. Baker, who has treated claimant periodically since 1919. He finds him to be suffering from chronic asthma and subject to swelling in the face which he is unable to diagnose. He fixes the disability at from 40 per cent to 100 per cent. Claimant's medical history files refer to bronchitis and asthma, for which he receives pension.

Claimant's complaints are quite general in nature. General conditions of camp life, exposure to the weather while at work and privation, form the basis of his complaint, to which he attributes his present chest condition. For reasons which have been explained in my earlier report on maltreatment cases, I do not regard these conditions as constituting maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

**CASE 2733—STANLEY LAVERN CRUIKSHANK**

Claimant was a Lance Corporal in the 4th C.M.R.—Regimental No. 109288. He enlisted November 27, 1914, at the age of 16 years and was taken prisoner June 2, 1916, suffering from shrapnel wounds in the chest, hip and near the spine. He was repatriated to England December 31st 1918. He has an application for pension now under consideration, was married in April 1919, and has one child. Prior to enlistment, he was a railroad labourer, earning \$18 per week and is now a bus driver, at \$25.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, bad food, starvation and a kick in the back, causing permanent injury.



An analysis of the evidence reveals:—

Claimant was first in hospital at Giessen, where, he states, the attention given his wounds was very poor. He developed septic poisoning and was discharged from hospital to camp with his wounds still discharging. After eight months, he was sent to Saultau and placed at work clearing land. He was kicked and knocked about and received a blow in the back which still gives him trouble. He was made to work in the rain and cold and had no place to dry his wet clothes. He now suffers from bronchitis. He was sent to hospital in Hanover with this complaint and received no medical treatment. After six weeks, he was placed in a car factory, where he remained until the Armistice, a period of some 18 months. There was no particular brutality here, the complaint being of general rough treatment.

The medical record consists of certificates by Dr. W. E. Henderson, who did not appear before the Commission. He indicates that claimant suffers from chronic bronchitis, which existed to his knowledge since 1922. He also notes a complaint of sharp pains through the chest and back attributed either to a blow received in the back or his wound in that region. He fixes the disability at from 10 per cent to 100 per cent. (It is unusual to find a statement by claimant included in the statement of the physician). Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant appeared to be in good health at the hearing. His complaint is confined to bronchitis, attributed to exposure whilst a prisoner. I consider that the case is purely pensionable in nature. Claimant has not shown such maltreatment as would cause disability. The bronchial condition, if established, would result from general conditions of camp life in Germany. He also speaks of a back injury, from a blow, but this condition has not been proved. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

### CASE 2768—EDWIN DALBECK

Claimant was a Private in the 44th Battalion—Regimental No. 829654. He enlisted December 7, 1915, at the age of 24 years and was taken prisoner August 23, 1917, at Lens, unwounded. The military records state he had a gunshot wound in the left shoulder (probably incurred previously). He was repatriated to England November 24, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a labourer, earning about \$100 per month, and is now unemployed. Since discharge, he states he has never been able to work more than six months per year due to weakness.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beating, excessive labour and refusal of medical attention while ill with influenza.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and then transferred to Oberhausen, where he was placed at very heavy work on a smelter. In the spring of 1918 he became ill with influenza and after three days in bed he walked to a doctor some three kilometers away. The doctor, without examining him, knocked him down and kicked him out of the office and he was marched back to work. His fellow prisoners helped with the work until he partially recovered his strength. His entire complaint is that he was forced to do excessively heavy work while unfit, with the result that he suffers with his nerves and heart.



There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual. He was apparently discharged from the service as fit.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. His mere statement that he suffers from his nerves, and a heart condition, without medical evidence showing a present disability, cannot establish the fact. Claimant was subjected to heavy work and if his health has suffered from the strain, I do not consider that this can be regarded as the result of maltreatment. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 30, 1932.

### CASE 2655—HARRY DARLEY

Claimant was a Private in the 7th Battalion—Regimental No. 16879. He enlisted in August 1914, at the age of 25 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with gunshot wound in the right shoulder. He was repatriated to England December 15, 1918. He is not in receipt of pension, was married in February 1919 and has one child. Prior to enlistment, he was employed as a logger, earning from \$3 to \$6 per day. He is now a sash and door maker, at 55 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the food, unsanitary conditions, exposure, and of being forced to work while ill.

An analysis of the evidence reveals:—

Taken to Roulers, claimant had the usual five day journey in a box car into Germany on starvation rations. Upon reaching Paderborn he was placed in hospital and remained under treatment eight or nine weeks. When discharged he was taken to Yangengreer and placed at railway work. He remained here until repatriated, and complains chiefly of the damp quarters, the food rations, and, when ill with dysentery that he was compelled to carry on at work. He escaped beatings and brutality, he says, because he kept his mouth closed. He now suffers with chronic catarrh.

The medical record consists of a certificate of Dr. A. D. Bechtel, who did not appear before the Commission, indicating a catarrhal condition of the nasal chamber, throat and pharynx, and bronchitis. A declaration is also filed by Leslie G. Scott, of Victoria, who states he has known claimant since 1912 and that he has been a resident of Victoria since then. Claimant's medical history files show nothing unusual. He is declared to have been without disability upon discharge from the service.

The complaint in this case rests chiefly upon disability resulting from exposure while at work and inadequate food. No incidents of physical brutality are recounted. For reasons which have been explained in general Opinion annexed to my earlier report dealing with maltreatment cases, I do not regard such general conditions of camp life in Germany as constituting maltreatment within the meaning of the Treaty of Versailles. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

**CASE 2791—CHARLES DAVEY**

Claimant was a Lance Corporal in the 3rd Battalion—Regimental No. 9666. He enlisted in August 1914, at the age of 49 years and was taken prisoner April 24, 1915, during the second of Ypres, suffering from gas. He was released to Holland in March 1918 and reached England in November of that year. He is in receipt of a 100 per cent disability pension, amounting to \$100 per month, based on heart trouble. He was married in 1888 and has three children, none dependent upon him for support. Prior to enlistment, he was employed as a carpenter, earning about \$4.80 per day and states that he has not worked for years since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury when struck with a rifle butt over the back of the head, shoulders and knee, causing severe headaches, loss of memory, defective hearing in the right ear and continual pain in the left knee, starvation and loss of parcels.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Recklinhausen, Kreg-haimer (sic), Saltau, Lichtenhorst and Vehnemoor. While working in a stone-quarry, he received a severe beating for not keeping up with the work and received the blows from the rifle butt in the head, shoulder and knee, causing the disabilities which form the basis of his complaint. He complains of stoppage of parcels while working at Lichtenhorst and also at Vehnemoor, where he was engaged in cutting peat.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. J. Corrigan indicating an enlarged heart with poor muscle, also pain swelling in the left knee. Disability is fixed at 100 per cent. A certificate is filed by Dr. E. K. Richardson covering the condition of claimant's wife due to shock and worry concerning him. Claimant's medical history files deal with a heart condition, for which he receives pension.

Claimant's knee injury, together with some deafness, form the basis of his complaint. It will be observed that his medical history files, upon discharge, carry the following notation: "Ear and hearing normal". There is no mention of any knee injury in these documents, the record dealing only with the heart condition. In the absence of more definite evidence as to the two disabilities stated, and having regard to claimant's present age—66 years—I do not think I would be justified in finding that claimant now suffers a disability resulting from maltreatment. The claim thus fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 16 1933.

*Commissioner.*

**CASE 2046—BRYCE DAVIDSON**

Notice of claim was received from the above named claimant, who has completed the usual documents of claim. It appears that he was a Private in the 2nd Battalion—Regimental No. 8538. He was taken prisoner on April 24, 1915, at the second battle of Ypres, unwounded, and was repatriated to England in January 1919. He complains of general maltreatment while a prisoner.

Claimant was notified to appear before the Commission at its Toronto sessions on December 7, 1932, but failed to present himself. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, January 11, 1933.

*Commissioner.*



**CASE 2710—JAMES DAVIDSON**

Claimant was a Private in the 14th Battalion—Regimental No. 26187. He enlisted in August 1914, at the age of 29 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the chest and thigh. He was repatriated to England December 31, 1918. He is not in receipt of a pension, was married in August 1919 and has one child. Prior to enlistment, he was employed in a brick-yard, at about \$16 per week and is now a "receiver", earning \$20 per week.

He alleged that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not set out details of his complaint in his declaration forms.

An analysis of the evidence reveals:—

Claimant was first taken to hospital at Ohrdruf, where his wounds were dressed. In October 1915, he was sent to Gottingen and was slated for work in a salt mine but the condition of his leg exempted him from that work. In January 1916, he entered hospital for treatment to his leg and has no complaint, except as to the food. In March 1916, he was placed on a farm, and, for an attempted escape, received the usual 14 days' confinement on bread and water. From January 1917 until the Armistice, he worked in a stone quarry where he received about a dozen beatings, was compelled to work at top speed under conditions of exposure to cold and wet in all kinds of weather with no facilities for drying clothes. He suffers from nervousness and rheumatism.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. Ray Spence, indicating arthritis, neurasthenia and bronchitis. No percentage of disability is estimated. Claimant's medical history files show nothing unusual.

Claimant's complaints are quite general in character and I cannot say, from the record, that he has succeeded in showing a permanent disability resulting from maltreatment whilst a prisoner (See Opinion annexed to my earlier report upon maltreatment cases). The conditions complained of may or may not give entitlement to pension. As far as this Commission is concerned, the claim has not been established and cannot be allowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

**CASE 2550—JAMES H. DAVISON**

The claimant was a Private in the 49th Battalion—Regimental No. 161001. He enlisted on December 29, 1915, at the age of 24 years and was taken prisoner on October 9, 1916, unwounded. He was repatriated to England on December 2, 1918, and is not in receipt of pension. He was married January 18, 1923, and has one child. Prior to enlistment, claimant was a farmer and is still engaged in the same pursuit.

Claimant was unable to appear before the Commission at its Edmonton sessions. He complains of maltreatment and alleges that his health has been undermined thereby, attributing this condition to privation and abuse. He declares that he is nervous and suffers with his legs.

Claimant apparently spent some time at Dulmen camp and was also at the coal mines at Bochum. There is no detailed statement of his experiences and the record is, perhaps unfortunately for claimant, quite incomplete.

A medical certificate of Dr. W. Merritt has been produced indicating that claimant complains of pains in the legs and nervousness. Objectively, Dr.



Merritt finds slight disability which he is unable upon examination to estimate. He is declared to be a "robust appearing, well developed man, heart and lungs normal, abdominal examination negative, suffers from some pyorrhoea, deep reflexes unexaggerated." Claimant's medical history files show nothing unusual. He was discharged from the service as fit.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. The documents submitted would appear to show but slight disability and it is entirely unlikely that had claimant appeared he could have made out a case of disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner,*

OTTAWA, December 29, 1932.

### CASE 2805—ROBERT de la GORDONDIERE

Claimant was a Private in the 5th Battalion—Regimental No. 13414. He enlisted August 17, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the left knee. He was repatriated to England in December, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on rheumatoid arthritis in the left knee. He was married in April, 1920, and has one child. Prior to enlistment, he was employed as a bank clerk, earning \$100 per month, and is now employed as a letter-carrier, on part time, at \$34 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour at the smelting ovens for three years, without pay, including Sundays.

An analysis of the evidence reveals:—

Claimant was first taken to Paderborn hospital, where he remained three months, and was later transferred to Senne lager, and, after a short stay, to Bergeborbeck (sic) and employed as a stoker on the smelting ovens. Here he worked incessantly, with poor food, and under conditions of intense heat. He was overcome by weakness, had fainting spells and lost greatly in weight. Claimant does not complain particularly of physical abuse, but says he was "butted" about. His complaint is confined to injury to his health from overwork and improper food.

The medical record indicates that claimant suffers from nervousness, rheumatism, injured left knee, with some impairment of vision. Dr. Jules A. Brien, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, apart from his service wounds, for which he receives pension.

Claimant's disabilities, apart from his service wounds, are general in nature and are ascribed by him to overwork and undernourishment while a prisoner. As explained in general Opinion annexed to my earlier report upon maltreatment cases, injury to health from such causes cannot be regarded as the result of maltreatment. Claimant's recourse, whatever it may be, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 24, 1933.

## CASE 2646—ROBERT DEMPSTER

Claimant was an Imperial reservist, who came to Canada to reside in 1912, and was called to the colours at the outbreak of war, in August, 1914. He served as a Corporal with the Gordon Highlanders, Regimental No. 9249, being 27 years of age when he enlisted. He was taken prisoner October 26, 1914, at La Bassee, suffering with a bullet wound in the left hip joint. He was released to Switzerland in the summer of 1916 and reached England September 13, 1917. He is in receipt of a 60 per cent disability pension, based on his injured thigh. He was married in 1912 and has three children. Prior to leaving Canada, he was employed as a tailor, earning \$30 per week, and has since resumed that trade, earning 81 cents per hour for a four hour day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being shot in the shoulder by a German soldier while he was lying wounded on the field, was roughly handled and neglected after capture and improperly treated and operated upon in a German hospital.

An analysis of the evidence reveals:—

Claimant lay wounded on the field for about three days, exposed to rain and damp. A party of Germans approached and one fired and struck the claimant in the shoulder; an officer stopped the man from firing again. He was removed to a field hospital, his clothes removed and a pair of canvas pants and an old shirt supplied; no dressing given. At Namur, about six days later, he received his first nourishment and dressing for his wounds. He remained here until February, 1916. He speaks well of his treatment in hospital at Namur. He was transferred to Hamburg and placed in a hospital which had formerly been a prison, and contends that an operation was performed here with dirty instruments, without anaesthetic, causing him to faint. A week later this was repeated, but he did not faint the second time. He then lay for four months, unattended by the doctor. He describes two further operations, performed with the use of chloroform and details the fact of an abscess which formed in his leg and burst. He finally reached Gustrow and was exchanged to Switzerland. He states that his leg is now  $2\frac{1}{2}$  inches short and alleges that his condition is due to improper medical attention in German prison hospitals. A letter from a fellow prisoner in corroboration of his story is filed, but only in so far as it deals with the incidents at the time of capture and immediately after. There is no corroboration of the shooting nor the operations performed at Hamburg and claimant's Imperial Pension files make no mention of the incident of being shot after capture.

No medical testimony was produced nor have any medical certificates been filed. Claimant's medical history files relate only to his service wound.

Claimant tells a very gruesome story of his treatment in German hospitals. However rough his treatment may have been, I do not think that he has shown that he now suffers a greater disability than he would otherwise have had. The original wound involved the hip joint and bone and it is difficult to see what could have been done that was neglected. His complaints of being left on the field of battle for several days does not constitute maltreatment and the incident of being shot in the shoulder while he was lying on the ground, would require corroboration. On the whole, I regard the case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 22, 1932.



**CASE 2783—LANCELOT CYRIL DEVONSHIRE**

Claimant was a Private in the 1st C.M.R.—Regimental No. 106192. He enlisted January 4, 1915, at the age of 23 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in the left foot, right thigh and right foot. He was repatriated to England December 19, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$15 per month, based on amputation of great and little toes of the left foot. He was married in June, 1919, and has two children. Prior to enlistment, he was engaged in farming and is now a hospital patient, since January, 1932. Before that, he was employed as a clerk, earning \$15 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work while his foot was unhealed, starved, medical neglect while ill and non-receipt of parcels.

An analysis of the evidence reveals:—

Claimant was a stretcher case after capture, received a dressing at a filed station and had the great toe amputated at a temporary hospital. He was taken to Isighen monastery hospital where he remained until June 13, but states that he received no treatment. He finally arrived at Julich hospital where he was kept until the latter part of October. He then went to Trier until Christmas. He was next sent to Giessen where he stayed until April, 1917. His complaint chiefly centres around the treatment received at Giessen. He alleges that due to inoculations given him without sterilization, he has contracted disease which, he states, could have been contracted in no other way. Claimant does not recite other instances of maltreatment but confines himself to the inoculations to which he attributes the disease.

The medical record consists of a certificate by Dr. W. A. Gardner, which indicates the amputations of toes on the left foot and fixes the disability at from 25 per cent to 50 per cent, and a certificate from Dr. D. F. McIntyre indicating the presence of disease, with a 50 per cent disability. Neither of these physicians appeared before the Commission. The possibility of contracting the disease, which did not become apparent until March, 1932, is commented upon by the medical adviser to the Commission, and must be regarded as quite improbable. While claimant declares that he suffered therefrom since 1920, it is significant that the condition was first diagnosed in 1932.

This case is quite unusual in some respects. Claimant confines his complaint to disease which he avers was contracted through inoculations received in Germany, either by deliberate intent or gross carelessness on the part of the German medical officers. The ailment, if indeed he suffers from it, has so preyed upon his mind, that he is now obsessed with the thought of it and the possible consequences. I am informed and I believe that claimant has no ground for his apprehension and, at all events, I am quite unable to find that, were the condition as stated, there was any deliberate attempt to injure claimant in the manner stated. Such a speculation would be too terrible and is beyond the bounds of reasonable probability. Claimant has not succeeded in making out a case and the claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 9, 1933.



**CASE 2761—WILLIAM CREWS DEXTER**

Claimant was a Private in the 3rd Battalion—Regimental No. 18767. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the left thigh and head. He was released to Switzerland in September, 1916, and reached England September 11, 1917. He is in receipt of a 20 per cent disability pension, amounting to \$26 per month for himself and family, based on his war wounds and psychoneurosis. He was married in December, 1921, and has two children. Prior to enlistment, he was employed in a laundry, earning \$15 per week, and is now a salesman, at \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He did not file the usual claim forms, having appeared before the Commission at Calgary to give direct testimony.

An analysis of the evidence reveals:—

After capture, complainant received field dressings and was then taken to hospital, near Cassel, where he remained about three months. He has no particular complaint as to the treatment in hospital, except some kicking and shoving about. Upon release from hospital, he was sent to Gottingen, where he spent three months further in hospital and six months in the camp. He was sent to Cologne for an operation known as a bone graft. His complaint is that this operation should have been performed at an earlier date. He now suffers with headaches, loss of memory, stomach disorders and pyorrhea. The medical adviser to the Commission pointed out to the claimant that the best practice is to leave such wounds open and that the fact that the operation was delayed could not be considered bad practice. There is no medical evidence of record and claimant's medical history files refer only to his service wounds.

There is no evidence of maltreatment in the record. Claimant's contention that the operation to his leg should have been performed at an earlier date is untenable. I am of opinion that the evidence discloses that claimant received every attention he could expect from his captors. This case should never have been presented to this Commission. The claim is disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1932.

**CASE 2652—JOHN DORMAN**

Claimant was a lance-corporal in the 28th Battalion—Regimental No. 73775. He enlisted October 24, 1914, at the age of 24 years and was taken prisoner June 6, 1916, suffering from injuries due to having been blown up and buried. He was injured in the left side, back and abdomen, internal injuries and bones broken in the lower part of the back and minor bruises and cuts. He escaped from Germany to Holland in February, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on lumbosacral arthritis and vertral hernia. He was married June 25, 1923, and has two step-children. Prior to enlistment he was employed on steel construction, at \$125 per month, and after discharge tried various jobs but is now employed as a janitor, at \$80 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention, being forced to work while unfit, beaten with rifles, kicked and forced to stand to attention.

An analysis of the evidence reveals:—

Claimant was severely injured before capture and it was only with the assistance of his comrades that he was able to march into captivity. He received no treatment for his injuries but was taken to Dulmen, where he remained three months. He states that he made several complaints to the guards concerning his condition but was only given a cursory examination. He was next taken to Engers, where he was forced to work on bridge construction. He, with others, refused to work and asked to be allowed to see the doctor. They were compelled to stand to attention and when he collapsed was kicked up again and beaten with rifle butts. Unable to carry on at work, he received further punishment and had to stand with nose and toes touching a wall until nine o'clock at night and was also given solitary confinement on bread and water. He made an attempt to escape, was recaptured, confined and then sent to Wahn, returned to Engers, given fourteen days' further confinement and was beaten by the sentries. He states that he was continually asking for medical treatment, which was refused. At the time of his escape, a fellow-prisoner, who got away with him, J. S. Home, recites in a declaration (a copy is on file) that Dorman's hip got so sore he was unable to travel. He fell into a gravel pit one night. The pain in his hip was very severe after the accident. C. A. Scott, another fellow-prisoner, recites, in a declaration (copy on file), that in the fall of 1916 Dorman attempted to escape and after he was captured he complained of the pains in the hip and back which rendered it impossible for him to work.

Dr. Thomas Miller appeared and testified that claimant first consulted him in May 1929. He produced an X-ray photograph which shows an exostosis in the pelvic bone probably due to a break or of traumatic origin (opinion of Dr. W. M. Carr, who identified the photograph, by statutory declaration). This injury, he admitted, would not be likely to be discovered by the German doctors without an X-ray. There was a difference of opinion between the witness and the medical adviser to the Commission as to whether the X-ray indicates proof of injury or could have been caused otherwise. Dr. Miller also supplies medical certificates in which he finds indication of umbilical hernia, scoliosis in the left lumbo-sacral region and states that the spine is very rigid. He finds evidence of a fracture of the left ischium which has produced a bony spur projecting into the pelvic cavity, which causes considerable distress in walking or in lifting. He fixes the disability at 50 per cent. The record further contains a certificate of character from General Embury and declarations by two fellow prisoners as to conditions in Germany, corroborating claimant's story as to beatings and medical neglect.

The military record contains a lengthy statement made by claimant upon repatriation which is general in nature and recites instances of maltreatment meted out to other prisoners without particular reference to himself. He says that as to Dulmen he has no particular complaint except as to the lack of food and the non-receipt of parcels. At Engers, he complains of over-crowding, lack of food, the standing to attention, confinement, and says he was allowed to see a doctor but once. He sums up his experiences at Engers however by saying "on the whole, our treatment at Engers was not so bad, and I think we might have been worse off".

As will be seen from the foregoing analysis of a very voluminous record, there is great doubt as to the nature and extent of claimant's injury. His complaint is confined to lack of treatment for his back and hip while in Germany. The evidence shows that the condition complained of would only show under X-ray examination, and it can hardly be termed maltreatment by his captors to have made him work when his injury was not manifest. Again, when claimant attempted to escape he was injured by a fall which he admits aggravated the condition. This can hardly be charged to the Germans. A comparison of claimant's statement upon repatriation, when events were fresh in his mind, with his testimony given at the hearing would show that in the former document he referred to



every little maltreatment to himself. His statement refers to rough treatment to other prisoners. After very careful consideration of the record, I have reached the conclusion that claimant has not succeeded in showing that denial of medical treatment and neglect of his condition has increased his disability, and this is the basis of his complaint. Claimant's recourse, if any, is before the Board of Pension Commissioners. On the whole the claim fails and must be disallowed.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2801—WILLIAM T. DOWNING

Claimant was a Private in the 13th Battalion—Regimental No. 426327. He enlisted on January 11, 1915, at the age of 27 years, and was taken prisoner on October 8, 1916, unwounded. He was repatriated to England on November 30, 1918. He declares that he is in receipt of a disability pension of 4 per cent, based upon rheumatism (decision pending *re* nerve deafness). He was married November 4, 1920, and has two children. Prior to enlistment, claimant was farming and worked for the City of Moose Jaw, at \$3 per day. He has since worked, at times, as a coach cleaner, with the C.P.R., at from 44 cent to 47 cents per hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of heavy work, exposure to the weather, starvation, punishment parades with resultant injury to his health.

Claimant's documents were filed too late to give him an opportunity to be heard before the Commission during its last Western sessions. From his statement of claim and a supplementary affidavit setting forth his experiences it appears that he spent the period of his captivity at Dulmen camp and at the coal mines at Bochum. He speaks of no particular physical brutality but attributes a rheumatic condition to the exposure and hard labour. He was denied medical attention when ill, and received no treatment for a condition of deafness which developed whilst he was a prisoner. He complains of deafness and nervous disorders.

The medical record indicates that claimant suffers from articular rheumatism. His percentage of disability is stated at from 20 per cent to 40 per cent in certificate of Dr. H. Gordon Young, who, however, makes no mention of impaired hearing or nervous disorders. Claimant's medical history files show nothing unusual. He was apparently discharged as fit. His pension files refer to rheumatism, dental caries, and nerve deafness (under consideration).

In view of the detailed statement contained in the affidavit filed by claimant, I do not think that, even if claimant had been heard, he would have been able to show that his present disabilities are the result of maltreatment whilst a prisoner. His rheumatic condition may possibly be attributed to the nature of the work he was compelled to do, but I do not think that it necessarily follows that such condition results from maltreatment. There is no medical evidence to support the claim of deafness and nervousness. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, January 30, 1933.



**CASE 2578—HARRY EARL DROPE, M.M.**

Claimant was a Private in the P.P.C.L.I.—Regimental No. 475823. He enlisted August 2, 1915, at the age of 26 years and was taken prisoner June 2, 1916, suffering from slight shrapnel wounds in the legs. He escaped from Germany August 19, 1918. He is not in receipt of a pension. The military records indicate that he received a gratuity of \$75, due to flat feet. He was married in April, 1919, and has four children. Prior to enlistment, he was manager for a life insurance company, earning \$225 per month and is now in business, at a salary of about \$400 per month.

He alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, exposure, forced labour and lack of medical treatment while ill.

An analysis of the evidence reveals:—

Taken first to Dulmen, he has no complaint except as to the food. After two months, he was transferred to Goldop (Heidelberg) and placed on pick and shovel work. His complaints as to conditions here are general in nature being as to food, housing conditions and general treatment. He escaped beatings, had long hours of labour and did not get any parcels for months. The camp buildings were unheated and sanitary arrangement very bad. He left camp to escape in June, 1918, and succeeded in getting into Russia. He complains of digestive troubles.

The medical record consists of two certificates by Dr. W. H. Harvie, who did not appear before the Commission. He finds claimant suffering from gastritis, constipation, defective liver function and nervous exhaustion. He fixes the disability at 20 percent in claimant's own calling. Claimant's medical history files refer to a condition of flat feet but indicate that this may have been of pre-war origin. Lumbago is also referred to.

Claimant appears to be in excellent health and I am at a loss to understand why the claim was presented to this Commission. There is no particular evidence of maltreatment and practically no disability has been shown. Digestive disturbances may result from a number of causes and the medical files indicate that claimant was subject to constipation before the war. I conclude that claimant has failed to make out a case of disability resulting from maltreatment whilst held a prisoner. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 9, 1933.

**CASE 2695—WILLIAM WRIGHT DUDLEY**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113194, enlisted January 2, 1915, at the age of 21 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 12, 1918. He has an application for pension now under consideration. He was married in December 1921 and has three children. Prior to enlistment, he was a locomotive fireman, earning up to \$94 per month and for the past two years has been idle due to ill-health. Prior thereto he was employed as a labourer in bridge building.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, labour in the coal mines, and beatings which have left scars.

An analysis of the evidence reveals:—

First claimant spent three months at Dulmen, but has no particular complaint. He was sent to the coal mines at Ospell No. 2, where he laboured for some 19 months. He relates an incident wherein a German was killed due to an accident at the mine for which he, and other prisoners, was blamed. They were courtmartialled and given 30 days' confinement on bread and water, also beaten and claimant carries a scar near the eye as the result of a blow. Next he was sent to Munster No. 3, where he remained 7 months until the Armistice (Claimant says it was 29 months, which is clearly wrong). His chief complaint is concerning his stomach.

No medical evidence was adduced at the hearing, nor has any medical certificate been filed. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

On claimant's own admission, he suffers no disability at the present time, nor is there any medical evidence establishing this essential fact. Claimant may have been under the misapprehension that the fact of being held a prisoner was alone sufficient to entitle him to an award. The record does not justify a finding in his favour. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

#### CASE 2687—RALPH DUSENBURY

Claimant was a Private in the 21st Battalion—Regimental No. 59281. He enlisted November 5, 1914, at the age of 17 years and was taken prisoner June 2, 1916, unwounded. He escaped in July 1917, to Holland. At the time of hearing he had an application for pension pending, was married in August 1922 and has two children. Prior to enlistment, he was at school and is now a factory worker, earning 40 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his eye due to a blow, and a weakened knee resulting from a blow with a rifle butt, leaving it permanently weakened.

An analysis of the evidence reveals:—

Claimant first spent a few months at Dulmen and was then transferred to Duisburg. Here, he attempted to escape, was recaptured, and received a beating in which his knee was knocked out of joint by a blow from a rifle butt. His left eye was also injured. He then served seven days' solitary confinement. He was then sent to Munster No. 1 and placed at work in the stone quarries. After two or three months, he succeeded in making his escape. The knee goes out of place periodically and the sight of the left eye is practically gone. Claimant made a statement upon return to England but did not tell of the beating in which his knee and eye were injured.

No medical testimony was adduced at the hearing, the record consisting of a certificate by Dr. W. H. Birks, stating that he treated claimant in 1931 for dislocation of semi-lunar (sic) cartilage of right knee. This dislocation has recurred several times since. Impaired vision in left eye. Disability rated at 15 per cent. Claimant's medical history files refer to a knee and eye injury, but his record upon discharge contains the following comment: "This soldier is in perfect physical condition and fit for category A2, but Headquarters' authority says he must not be permitted to return overseas under any circumstances" (because he was an escaped prisoner).

A perusal of the statement made by claimant upon repatriation does not show any particular maltreatment. The injury to his eye and knee, stressed in his testimony, is not even referred to and he refers to the treatment generally as good. It is hardly necessary to discuss the case further. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner,*

OTTAWA, January 19, 1933.

### CASE 2644—CAPTAIN DAWSON W. ELLIOTT

Claimant was a Lieutenant in the 27th Battalion. He enlisted in the latter part of 1914 and was appointed to the Overseas Battalion February 1, 1915, at the age of 31 years. He was taken prisoner April 5, 1916, wounded in the head and ruptured. He was transferred to Switzerland in May, 1918 and reached England in December of that year. He is in receipt of a 5 per cent disability pension, amounting to \$4 per month, based on deafness. He was married in 1907 and has two children. Prior to enlistment, he was employed as an assistant credit manager, at \$4,500 per annum and is now retired.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long periods of solitary confinement which has caused nervous disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Duisburg hospital for two weeks and then sent to Gutersloh, where he remained until July, 1916. From there to Crefeld, where he attempted to escape, was recaptured, and served five months solitary confinement. After release he was sent to Schwarmstadt. He was here four months and began to suffer from insomnia. Transferred to Freiburg, he suffered with his nerves due to frequent allied bombardments. He was given electric-ray treatments at Freiburg University and finally passed for exchange to Switzerland.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual. His deafness is referred to and certain post discharge disabilities are shown. His general health is declared to have been good upon discharge from the service.

Solitary confinement for 5 months as punishment for an attempted escape, with resultant injury to claimant's nervous system and general health seems to be the basis of this claim. In addition conditions at Frieburg camp are said to have been very trying. No medical evidence has been adduced showing present disability. It is clearly impossible to reach a finding in claimant's favour. His recourse, if any, is elsewhere. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2617—EINER CARL ERICKSON

Claimant was born in Iceland and naturalized in Canada in December, 1920. He arrived in Canada in February, 1911 and enlisted in the 78th Battalion July 11, 1916, at the age of 33 years—Regimental No. 826755. He served as a Private and was taken prisoner August 11, 1918, suffering with gunshot wound through the



right lung. He was repatriated to England December 7, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on his chest wound. He was married in 1930 and has no children. Prior to enlistment, he was a donkey-engine driver, earning from \$6 to \$8 per day and now is employed as a night watchman, at \$4.70 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he received no medical attention for his wounded chest for several weeks after capture. He was compelled to work while still suffering from the wound and was struck with rifle butt, causing haemorrhage and further illness.

An analysis of the evidence reveals:—

Taken to St. Quentin, claimant was given a dressing and sent on to Mons, where he was forced to walk from the station to the hospital and was then forced to stand in the rain for 5 or 6 hours; was in hospital for three weeks and was then removed to Giessen. Here he was refused treatment and was sent out to work at loading cord wood. He only lasted one day at this work, because the sentry struck him in the back with a rifle butt, kicking him down, and a haemorrhage of the lung commenced. He was allowed to lie in his bunk for a week without medical attention. The Armistice was signed shortly after and he eventually reached England.

Dr. Robert F. Greer testified that he had been treating claimant for several years. He finds that there is no expansion in the right side of the chest at all due to the effect of the abscess in the lung. He says that under proper treatment and rest the wound should have completely healed and states that the blow received would be calculated to retard recovery and bring on haemorrhage. He fixes the disability at 50 per cent. An X-ray report is on file.

Claimant was a prisoner for about 4 months. Apparently 9 weeks after he had been wounded he was put to work. He contends that his wound, while it may have given the appearance of being healed, was not so in fact and that it was maltreatment to send him to work in that condition and to knock him down when he couldn't do the work. The evidence shows that he was medically examined before being sent to work and declared fit. This may have been a grave error of judgment on the part of the doctor, but does not, in my view, constitute maltreatment. I am not convinced that claimant's experiences in Germany have resulted in a greater disability than he would otherwise have had. The claim is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1932.

### CASE 2696—CHARLES H. M. EVANS

Claimant was a Sergeant in the 4th C.M.R.—Regimental No. 109330. He enlisted November 27, 1914, at the age of 39 years, and was taken prisoner June 2, 1916, suffering from shell shock. He was released to Holland in April, 1918, and reached England November 23 of that year. He is in receipt of a 40 per cent disability pension, amounting to \$46 per month for himself and family, based on cardiac enlargement, hypertension and neurosis. He was married in December, 1897, and has now six children. Prior to enlistment, he was employed as an iron founder at \$30 per week, and is now unemployed, due to ill health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been tied to a post, had teeth knocked out by a rifle butt, starvation, and long periods of standing to attention.

An analysis of the evidence reveals:—

First at Dulmen, where he remained about a year, claimant recites an incident of having been tied to a post for two hours because a guard saw him throwing out food which claimant claims was unfit to eat. This occurred in cold March weather. He also states that he had teeth knocked out by a guard for not obeying an order. Next, at Minden, he says he has no complaint, except as to food and punishment parades every Sunday, consisting of long periods of standing to attention. At Saltau, for five days, he was then sent to Bohmte, where, upon arrival, he was forced to stand to attention all night. Attempts were made to force him to work, and he was daily made to stand to attention. He finished his captivity at farm labour, without particular incident, until he was exchanged to Holland.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate to a heart condition and neurosis.

Claimant is now a man of 57 years and, after careful examination of the record, I have reached the conclusion that his case is purely pensionable in nature. He infers that his period of captivity has induced the heart and nervous infections from which he now suffers. While this may be so, I do not find that any particular maltreatment was the cause. It is more the result of general conditions of camp life in Germany (see Opinion annexed to my earlier report on maltreatment cases). On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

#### **CASE 2456—EARL G. FANNING**

Notice of claim was filed on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on September 28, 1915, was taken prisoner on September 15, 1916, wounded in the back, right arm and right side, and repatriated to England on June 15, 1918, medically unfit. He was in receipt of a 30 per cent disability pension, but appears to have died on September 12, 1927, which information was only received recently. There can be no claim in such circumstances.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

#### **CASE 2637—ANDREW FLEMING FINNIE**

Claimant was a Private in the 13th Battalion—Regimental No. 24250. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a flesh wound in calf of right leg and gas. He was repatriated to England January 11, 1919. He is in receipt of a 5 per cent disability pension, amounting to \$3.35 per month, based on chronic bronchitis. He is unmarried. Prior to enlistment, he was employed as a machinist, earning \$4.75 per day, and has been unemployed since the summer of 1931, when he worked as a labourer.



He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work over heated furnaces where oil fumes would overcome him and caused him to collapse, but he was kicked and beaten back to work. He now suffers with stomach trouble and dizziness.

An analysis of the evidence reveals:—

Held prisoner for more than three years and eight months in Germany, claimant confines his complaint to the last twenty months which he spent at Weitze, working at an oil-refinery in an isolated spot. Here, with other prisoners and civilian prison convicts, he was compelled to work over a hot furnace forcing oil sand through holes in a conveyer. The fumes were overpowering and on several occasions he fainted. When he revived he would be beaten and kicked until he returned to work. Finally about a week before the Armistice he collapsed entirely and was transferred, as a stretcher case, to Holland and eventually to England.

The medical record consists of certificates by Dr. G. H. Kearney, who finds claimant to be suffering with a lung condition, heart enlarged and weakened and an enlarged liver. He fixes the disability at 100 per cent. Dr. D. W. McKay certifies to attendances upon claimant in 1927 for throat and bronchitis, and Dr. H. McGregor certifies to attendance on claimant in 1921-22 for bronchitis and asthmatic attacks. None of these doctors gave evidence before the Commission. Certificates are also filed by former officers as to the character of the claimant. His medical history files relate to a condition of chronic bronchitis for which he receives pension.

As will be seen claimant's complaint is of an occupational character. While the work he was compelled to do was of a distressing nature the evidence does not satisfy me that his present disabilities result therefrom. It must not be overlooked that claimant had been badly gassed when captured and his chest condition may well be the result thereof. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

### CASE 2551—WILLIAM FOOTTIT

Claimant was a Private in the 4th C.M.R.—Regimental No. 113220. He enlisted in January 1915, at the age of 22 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 12, 1918. He is not in receipt of pension, was married in December 1919 and has two children. Prior to enlistment, he was employed as a farm labourer, earning \$20 per month and board and is now engaged in carpentering, at 40 cents per hour, but is unable to work steadily due to illness.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of ill-health due to treatment while a prisoner but does not give details in his claim papers.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained six weeks. He has no special complaint as to treatment there, but, after transfer to Geseke (sic) cement factory, he began to experience difficulties. Here he was given fourteen days' cells for an attempted escape, fed on bread and water. He was physically unable to do the required work due to stomach trouble. The hours were long, with 24 hour duty at week-ends. The work, lifting heavy stones in a quarry,



shovelling hot lime so that they worked in a cloud of dust continually, has caused him now to suffer shortness of breath and stomach disorders. He contracted influenza in the Fall of 1917 and was given no medical treatment.

No medical testimony was adduced at the hearing, the record consisting of several certificates. Two by Dr. D. S. Johnstone, indicate neurasthenia and gastric neurosis. He fixes the disability at from 30 per cent to 50 per cent. A certificate by Dr. J. B. Ritchie, who examined claimant in September 1930, indicates symptoms of chronic duodenal ulcer and apparently cured pulmonary tuberculosis. A certificate by Dr. A. M. Miller recites that he treated claimant, about 1925, for acute gastritis. The military records indicate that the application for pension is still under advisement.

The record does not disclose such maltreatment as would induce the condition now complained of by claimant. Whatever disability he may now suffer is probably due to general conditions of camp life in Germany and is almost certainly nutritional in origin. For reasons which have been explained in Opinion annexed to my earlier report upon maltreatment cases, I do not regard this as constituting maltreatment within the relevant sections of the Treaty of Versailles. Claimant's recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2728—HERBERT FRETWELL

Claimant was a Private in the 7th Battalion—Regimental No. 16888. He enlisted in August 1914, at the age of 24 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the right forearm and a touch of gas. He was repatriated to England December 7, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on gastric ulcer. He had been married in June 1913 and has one child, now 18 years of age. Prior to enlistment, he was employed as a cement finisher, earning about \$3.75 per day, and is now unemployed. Previously did odd jobs at labouring, earning, at most, \$5.40 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse by a German guard after capture because he was unable to keep his place on the march, and was shot in the left thigh. He was exposed to the wet while lying wounded, and upon arrival at hospital was given no medical attention.

An analysis of the evidence reveals:—

On the march to Roulers, after capture, the column was scattered by a German battery coming into action, and claimant was kicked and beaten by a sentry for lagging. He heard a shot and next thing he knew there was a hole in his thigh, bleeding profusely. He received but little attention in hospital at Roulers and was taken to Paderborn, where he remained in hospital until July. Next sent to Senne lager No. 3, where on one occasion all prisoners were forced to stand to attention in the snow until 4 a.m. His chief complaints regarding this camp are as to the food and exposure. At Minden, he received Red Cross parcels, and was frequently in hospital with stomach trouble. The parcels were often held back and became unfit to eat when received. He spent a short time at Herford, working at unloading coal for a brewery, but eventually landed at Friedrichsfeld, where he tells of an order to lay the beds in the open where they became wet, and several influenza patients died as the result. A statement as to this is filed with the military records. From there he was sent to work at Gossen-

baum, at a piano factory and again placed at unloading coal trucks, contracted a cold, but received no medical treatment. Here he complains that his tunic was taken from him and his parcels withheld.

Dr. Thomas McPherson appeared and testified that he had treated claimant since June 1930. He performed two operations for gastric ulcer. He also furnishes a certificate covering the stomach conditions and fixes disability at from 40 per cent to 60 per cent. A declaration of Walter J. Pearson is filed, attesting to claimant's pre-war residence in Canada. Claimant's medical history files refer to his stomach condition, and describe his service and other wounds as constituting a negligible disability.

Claimant complains chiefly of the wound in the hip received after capture, when he declares he was deliberately shot by a guard. His version of the affair is rather vague and, to establish so unusual an incident, some corroboration would be necessary. Moreover, as far as the medical record goes, the disability resulting from the wound is insignificant. Claimant's own physician makes no mention of it and confines his statements to a gastric condition. It is to be observed that claimant was suffering with his stomach immediately after capture. It is entirely likely that the condition now present is nutritional in origin and cannot be regarded as the result of maltreatment whilst a prisoner. I regard the case as one for the consideration of the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2775—FRED FROST

Claimant was a Private in the 7th Battalion—Regimental No. 16309. He enlisted in August 1914, at the age of 30 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England in December 1918. He is not in receipt of pension, was married in July 1920, and has two children. Prior to enlistment, he was employed as a labourer, earning up to \$3 per day and is now a road foreman, earning \$110 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not specify the grounds of complaint in his statutory declaration.

An analysis of the evidence reveals:—

Claimant was taken to Giessen to which camp he remained attached for the whole period of his captivity. He was first sent to a stone quarry, where three men were injured. The whole party refused to carry on and were given five days solitary confinement. He speaks particularly of two years spent in an iron foundry at Gieselwekschapt (sic), where he was compelled to handle pig iron ore, twelve hour shifts, with 24 hour duty at the week-ends. The work was very hard and the food insufficient, and had it not been for the parcels received, the prisoners could not have survived. Finally, he could carry on no longer and was sent to a farm at Hochstat, where he remained fifteen months. He was kicked and beaten into unconsciousness because he failed to salute an officer quickly enough and retaliated when the officer struck him. He complains that he was kicked about the head, neck and shoulders from which he now suffers pain in the back, neck and chest.



There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files contain a statement by claimant that he hurt his left side by letting fall a bar of iron while a prisoner. In a statement made upon repatriation he recites instances of maltreatment inflicted upon other prisoners. He also states he was kicked and punched by a sentry for talking to a fellow-prisoner about Italy's joining the Allies, but makes no reference to the beating consequent upon his neglect to salute the officer.

Claimant has not established any definite disability resulting from maltreatment. He speaks of pains in the shoulders and chest, which he attributes to the beating referred to. I cannot say, from the record, that the connection between the incident and a present disability has been shown, nor can it be inferred. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 30, 1932.

### CASE 2530—WALTER FULLER

Claimant was a Private in the 2nd Battalion—Regimental No. 18642. He enlisted in August 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England December 24, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 per month for himself and family, based on neurasthenia. He was married in August 1928 and has two children. Prior to enlistment, he was employed as a locomotive fireman, earning \$150 per month but has been unable to work for the past two years due to illness.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, confinement, exposure, heavy labour and beatings with rifle butts.

An analysis of the evidence reveals:—

Claimant was first placed at farm work out of Giessen and for refusing to work after supper, was confined in strafe barracks and made to sit on a stool from morning till night. Next he was sent to Vehnemoor, where he has no complaints. He was then taken to Bokelah, where he remained six months. Here, while employed at laying fertilizer and laying track, he, with others, complained of the severity of the task and asked to see the Commandant. This was refused and they were driven, under rifle fire, out to the moors. He states one man was killed. Tried for mutiny at Hanover, the prisoners involved were sentenced to ten years hard labour and taken to the fortress at Cologne. While suffering from dysentery and unable to rise, he was set upon by guards and placed in a straight-jacket for three hours. After ten months imprisonment, he was taken to Wilhelmshaven, where he remained some nine months but received no maltreatment. At Ostenholzenmoor, he was stripped, made to place sods on his head and run around the square. This occurred in October and he contends that he contracted a cold which developed into chronic bronchitis. Claimant finished his period of captivity at Vehnemoor and at Saltau, without incident.

The medical record consists of a certificate of Dr. A. Greenaway, who did not appear before the Commission. He finds a condition of under-nourishment and fixes the disability at 60 per cent. Claimant's medical history files appear to indicate a condition of general debility upon discharge.

I am inclined to regard claimant's case as more a matter for the consideration of the Board of Pension Commissioners than of this Commission. He was



undoubtedly subjected to harsh treatment, but the impression is created that this may have been due, in part at least, to the actions of the prisoners themselves, particularly at Bokelah, where the incident occurred for which claimant was tried and condemned to ten years hard labour (ten months of which he served). Acts of so called mutiny on the part of prisoners may and must be suppressed as the captor deems expedient and I do not think that the record shows that the punishment inflicted went beyond reasonable bounds. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 9, 1933.

*Commissioner.*

### CASE 2780—GEORGE GAMAGE

Claimant was a Private in the 44th Battalion—Regimental No. 865955. He enlisted March 24, 1917, according to his attestation paper although in his evidence he says 1916. He was then 24 years of age. He was taken prisoner August 23, 1917, suffering with slight shrapnel wounds in both legs. He was repatriated to England November 24, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$45 per month for himself and family, based on duodenal ulcer. He was married in December, 1918, and has four children. Prior to enlistment, he was employed as a labourer, earning \$60 per month and is now unemployed but had been with a dairy company, at \$26 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, forced labour while ill, excessive inoculations, that he was beaten and kicked, resulting in nervous trouble and failing eyesight.

An analysis of the evidence reveals:—

Claimant went through Dulmen and Friederichsfeld camps and landed at the Krupps works at Oberhausen. He remained here for more than a year working at firing boilers. While ill, he refused to work at the boilers and received a beating at the hands of the guards with a rifle and was also kicked. He was under the doctor's care for five weeks, saw him every three days and states that he was given an inoculation upon the occasion of every visit until he received some 16 or 17 inoculations in all. His nerves and eyesight are now affected as the result of his treatment.

No medical evidence was adduced at the hearing, the record consisting of a certificate from Dr. S. B. Walker, who certifies as to the duodenal ulcer with obstruction followed by gastro-enterostomy. He fixes the disability at 30 per cent. A report from the Department of Pensions and National Health discloses that the left eye was found to be defective in vision upon examination by a specialist, who concluded that any defect was not due to stoking furnace. Since December, 1924, there is a record of complaint of gastric symptoms and some recent bronchial trouble. Claimant's medical history files show nothing unusual, referring only to the stomach condition.

In these circumstances, I am unable to reach a finding in claimant's favour. He has quite failed to show that any disability from which he now suffers results from maltreatment whilst he was a prisoner of war. Impaired vision is advanced as a cause of entitlement, but the record does not justify any finding in regard thereto. Whatever gastric condition claimant may be suffering from must be regarded as nutritional in origin, and is covered by pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 10, 1933.

*Commissioner.*

**CASE 2554—JOHN DARRELL GAW**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113238. He enlisted January 14, 1915, at the age of 18 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in the thigh and neck. He was released to Switzerland in January, 1918, and repatriated to England in March of that year. He is in receipt of a 50 per cent disability pension, amounting to \$37.50, based on wound in the left leg with limitation of movement of the knee. He was married in England in 1918, divorced in 1931, and remarried in Ottawa, December 12, 1931. There are no children. Prior to enlistment, he was a machinist's apprentice, earning \$8 per week, and since discharge was employed as telegraph operator, at \$95 per month, but had to abandon the work due to nerves, and was unemployed for two years. He has been an elevator operator for the past eight years, at \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being thrown on a pile of rocks and struck over the head with his crutches, leaving a scar, because he peeled potatoes unsatisfactorily. Was also kicked in the back while in hospital because he had no gifts of soap or sugar for the guard. The treatment of his wounds after capture was unnecessarily rough.

An analysis of the evidence reveals:—

Claimant was taken, on a stretcher, to a dressing station, where his wounds were first attended. Removed to Courtrai, he remained in hospital for a short time and was removed to Stuttgart hospital, where he remained eight months. He has no complaint as to the treatment except that it was rough. He underwent about six operations here and apparently the German surgeons did all that was possible for him. He was next sent to Aix-la-Chapelle and spent some time at Limburg and Mannheim camps awaiting repatriation. His main complaint is in regard to an incident which occurred at Cologne, where he was kicked in the back by a guard, apparently because he was not peeling potatoes to the satisfaction of the guard. He complains that his back still troubles him from this kick. He was also beaten on another occasion, in Cologne, by a guard to whom he had not given sugar and soap from his parcels, but no ill effects appear to have resulted from this blow. Claimant confines his complaint to the back injury and his nerves. He does not contend that, due to inadequate surgical attention, his disability is now greater than it would otherwise have been.

Claimant has produced no medical evidence and relies upon the medical history contained in his pension files. The record is substantially in accordance with the statements made by claimant but no particular stress is laid upon the back injury.

In this state of the record it is impossible to reach a conclusion in claimant's favour. There is no medical evidence establishing any back disability and the claimant's pension for service wounds would appear to cover his other ailments. Claimant told a very frank story, but I feel that he has not discharged the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim must accordingly be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 16, 1932.

*Commissioner.*

**CASE 2377—ALFRED GAWN**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113239. He enlisted in January 1915, at the age of 20 years and was taken prisoner June 2, 1916, suffering with gas. He was repatriated to England January 1, 1919. He is in receipt of an 100 per cent disability pension, amounting to \$127 per month,



based on tuberculosis. He was married November 8, 1922, and has two children. Prior to enlistment, he was a machinist by trade, but was railroading immediately before the war, earning \$75 per month. After discharge, he was employed with the R.C.M.P., at \$142.60 per month and is also in receipt of a service pension from that body, amounting to \$27 per month, but has been a patient in the Royal Ottawa Sanitarium since March of this year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been constantly overworked, starved and given bad food and of terrible living conditions. Had to work in coal mines and complains of the coal dust. He had his cough at that time, notwithstanding which he was subjected to exposure and beatings while working in a sugar factory.

An analysis of the evidence reveals:—

Claimant was quite seriously gassed when captured. He was taken to Dulmen Camp where he remained, in all, about 12 months. He has no complaint as to his treatment at Dulmen. He was then sent on to a coal mine, where he complains that the coal dust greatly aggravated his condition and, notwithstanding his weakness, that he was compelled to continue work. He made an attempt to escape, received the usual fourteen days' confinement and was sent on to Minden Camp and returned to Dulmen, apparently his chest condition gradually becoming more serious. He was later sent to a stone quarry, near Hameln, where the work was arduous and the food very poor. He was apparently attached to this camp for about three months and speaks of the accommodation in barracks as unhealthy. It is claimant's contention that, had he received proper medical attention, he would not now be 100 per cent disabled. Claimant also appears to have spent some time at a salt mine, not clearly identified. He worked underground for a short time, but refers to his treatment, at a sugar factory, shortly thereafter, as the worst feature of his period of captivity. He was beaten on several occasions for minor breaches of discipline, was steadily losing weight and appears to have been in serious condition when the Armistice was declared. He complains, in addition to his condition of tuberculosis, of gastritis and neurosis, but admits quite frankly that he was "spitting blood when I went into Germany," so that the condition was apparently advanced at that time.

The medical evidence indicates that claimant suffers from pulmonary tuberculosis, his percentage of disability being stated to be 100 per cent. Dr. D. A. Carmichael, who certified to the foregoing, did not appear before the Commission. Claimant's medical history files are quite complete and show the condition of tuberculosis above referred to, for which he is in receipt of 100 per cent disability pension.

It seems clear in this case that the originating cause of claimant's present malady was the gas which he received at the time of capture. While it is quite true that a man in claimant's condition should not have been compelled to do hard work, I cannot say that the fact that his captors disregarded his condition and made him work constitutes active maltreatment. Even had he received the best of care, I am not convinced that he would not still be a victim of tuberculosis. Viewing the case as a whole, I am inclined to think that whatever aggravation there may have been to claimant's condition, that this is the result of general camp conditions in Germany. It is perhaps worthy of note that claimant declared that he had been 18 months in the salt mines, whereas in his testimony this period is considerably lessened. Claimant has thus failed to establish a present disability resulting from maltreatment. I regard his case as one entirely for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 16, 1932.



**CASE 2671—WILLIAM GEDDES**

Claimant was a Corporal in the 7th Battalion—Regimental No. 16856. He enlisted in August 1914, at the age of 22 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bruised right arm. He was repatriated to England December 3, 1918. He is not in receipt of pension. Claimant did not complete the questionnaire form and did not appear before the Commission, at Victoria, at the time appointed for his hearing. His solicitors were unable to explain his absence. A statutory declaration was filed in May 1932 reciting the instances of maltreatment, but as this has not been followed up by corroborative testimony, and as claimant did not appear when notified to do so, the claim fails for want of prosecution, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

**CASE 2544—HERBERT GLOVER**

Claimant was a Private in the 13th Battalion—Regimental No. 25036. He enlisted in August 1914, at the age of 29 years, and was taken prisoner on April 24, 1915, at the second battle of Ypres, wounded in the left foot. He was repatriated to England in November 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based upon the wound in his left foot. Claimant is married and has four children. Prior to enlistment, he was a boiler maker, earning about 25 cents per hour. He is now unemployed, but has been engaged as a welder, earning from 70 to 85 per cent per hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of ill treatment, which has affected his memory and capacity to work.

An analysis of the evidence reveals:—

Claimant spent the first ten months of his period of captivity at the Bruderhaus hospital, at Paderborn, where he received very good treatment. Sent to Senne lager, he remained a year, and complains only of the bad food. He was then transferred to a farm, where the work was hard and the hours long. At another farm, claimant was run over and injured his head, for which he received treatment in hospital. Upon recapture, after an attempted escape, claimant was sent to prison at Minden, where he was held for five weeks. He does not complain of any particular brutality but refers to the general treatment as rough. He completed his period of captivity at a flying field near Paderborn, without special incident. Claimant declares that he feels fairly well, but suffers from loss of memory and a nervous condition.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant does not appear to be disabled and looks in good health. Claimant's medical history files refer to the wound in the foot, otherwise he is declared to have been fit upon discharge.

Claimant was subjected to no particular maltreatment while a prisoner, and has quite failed to show a present disability resulting from his experiences while in Germany. He has clearly misapprehended the scope of the activities of this Commission. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 8, 1933.

**CASE 2688—JAMES WILLIAM GOODFELLOW**

Claimant was a Private in the 15th Battalion—Regimental No. 27477. He enlisted in August, 1914, at the age of 22 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, wounded in the right shoulder. He was repatriated to England in November, 1918. He is not in receipt of pension but has an application pending. Claimant is unmarried. Prior to enlistment, he was a shipper with the T. Eaton Company, earning \$10 a week. He is now unemployed.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of enforced labour while ill, confinement to cells and general physical abuse and deprivation of food.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen, where he received some treatment for his wound, but was made to work in a stone quarry. For being unable to work, he was punished by being made to stand to attention. Sent to Munster, he was employed at digging drains. While there was no brutality, he was forced to work when ill. Next, at Creste (sic), he complains of being made to work on Sundays. He was then sent to Bochum, where he remained until the end of the war, working in a steel foundry. He was confined to cells for refusing to work on munitions and complains of punishment standing to attention and general harsh conditions. As a result of these experiences, claimant declares that he suffers from bronchitis and recurrent boils and general debility.

The medical record indicates that claimant suffers from bronchitis, shortness of breath, insomnia and nervousness with some disability in the wounded shoulder. His percentage of disability is unstated. Dr. W. J. Henry, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, a condition of bronchitis and emphysema being under consideration by the Board of Pension Commissioners.

Claimant's case is purely pensionable in nature. He has not established a disability resulting from maltreatment whilst a prisoner. Whatever his disability, it is due to general conditions of camp life in Germany and cannot be ascribed to maltreatment, as explained in my earlier reports upon maltreatment cases. The claim fails and must be disallowed.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, January 14, 1933.

**CASE 2632—WALTER JOHN GRAHAM**

Claimant was a Private in the 8th Battalion—Regimental No. 848. He enlisted in August 1914, at the age of 28 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the leg and hand and suffering from gas. He was repatriated to England December 14, 1918. He is in receipt of a 60 per cent disability pension, based on bronchitis, gastritis and heart trouble. He was married in 1903 and has three children. Prior to enlistment, he was employed as a steamfitter, earning about \$4 per day, and is now farming.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in the coal mines while ill, lack of medical treatment, exposure, and coal dust in the mines which has affected his lungs.



Claimant was sent to Munster and shortly after to the coal mines at Dortmund. Here he became deaf, due, he alleges, to the constant noise. He was forced to work at the coke ovens and in the ash cellars. He had received no treatment for his wounds after capture and was compelled to work while weak and unfit. His chief basis of complaint is that the work around the coke ovens damaged his lungs and this, coupled with medical neglect, has left him incapable of continuing his former trade. A fellow prisoner, Harry Bryant, testified that he was with claimant at Dortmund and corroborates his story. The record also contains the declaration of Arthur H. Johnston, who did not appear, a fellow-prisoner with claimant, who corroborates the story of conditions at Munster and Dortmund. A declaration of Joseph H. Leonard is also filed, together with exhibits attesting to claimant's condition after his return to Canada and his inability to keep jobs due to illness.

No medical evidence was adduced or doctors' certificates filed, claimant relying on his Pensions and Medical history files. These show a moderate heart affection, bronchitis and functional gastritis.

The claim for impaired hearing has not been made out, nor do I think claimant has been successful in showing a present disability resulting from maltreatment. It is true that he spent some time in the coal mines, working on the coke ovens, but the medical evidence does not appear to me to justify a finding that he has sustained any disability resulting therefrom. I regard the case as covered by pension. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 27, 1932.

*Commissioner.*

### CASE 2612—ALEXANDER PATERSON GRAY

Claimant was a Sapper in the 2nd Canadian Tunnelling Company—Regimental No. 503,217. He enlisted October 9, 1915, at the age of 28 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 9, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$40 per month based on impotence. He was married a second time in September 1927 and has no children. Prior to enlistment, he was employed as a blacksmith, earning about \$1,200 per annum, and is now following the same trade but also does acetylene welding. He earns up to \$1,800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to the external genitals due to being caught in an electric drill while working as a prisoner. He underwent operations without anaesthetic, and complains also of confinement on bread and water and forced labour while ill.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and, after two months, was removed to Duisburg, where he remained nine months. He received confinement to cells for refusing to work. With another prisoner he was placed in charge of an electric drill, and, being unfamiliar with the work, an accident occurred when the drill caught in a cable, came up and injured his testicles. He was in hospital five months following this accident and was operated on, partly without anaesthetic. He was left helpless, without attention, all night, unable to get up, and when convalescent an orderly tried to make him carry stretcher cases but was stopped and rebuked by the surgeon in charge. Upon recovery he was sent to Munster No. 3 and reported sick several times but was sent back to work.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate to the condition of impotence, for which he is in receipt of pension.



The accident of which claimant complains may have been due to the carelessness of the authorities in putting green men to handle drills, but I do not think it can be regarded as maltreatment. Everything possible appears to have been done for claimant after the accident, though the treatment was rough. I consider that claimant's restoration to pension covers his case. As far as this Commission is concerned claimant has not discharged the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2529—ALEXANDER EDWARD GREEN

Claimant was a Lance Corporal in the 50th Battalion—Regimental No. 446201. He enlisted April 27, 1915, at the age of 21 years and was taken prisoner November 19, 1916, unwounded. He was repatriated to England in November 1918. He is not in receipt of pension, was married in January 1923 and has two children. Prior to enlistment, he lived with his people on a farm and is now farming for himself.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work behind the lines, beaten, had his nose broken and ribs cracked and a twisted cartilage in the knee.

An analysis of the evidence reveals:—

Claimant was first held at work behind the lines, under shell-fire, and received a beating with a rifle in attempting to seize a pumpkin by the roadside. He sustained a twisted knee due to a small truck tipping from the rails on top of him, and went to hospital. At Minden, he received a beating and 48 hours' dark cells. He received another beating for being late for morning call. This was administered by rifle butts and he sustained a broken nose and cracked ribs. He received no medical treatment for these injuries. He remained at this camp until the end and states that his knee still troubles him but admits the injury was due to accident.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. A. C. Greenaway, indicating a partial dislocation of cartilage of the knee which condition repeats frequently, and dysentery. The disability is fixed at from 20 per cent to 25 per cent. A further certificate by the same physician indicates nervous irritability and recurrent attacks of dysentery. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

I have been in some doubt as to this case. Claimant testifies that he worked for from four to six months behind the German lines when he was captured, in 1916. This is most unusual, because, from official records, it was much later that the Germans resorted to this form of punishment for prisoners. Again, in his statement of claim he declares he worked behind the lines from November 20, 1916, to February 1917, which is not four months. Claimant has shown very minor disability as a result of his experiences, differing in this from other prisoners who were held behind the lines. On the whole, I cannot resolve the doubt in claimant's favour and must leave him to such other recourses as may be open to him. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 20, 1933.

## CASE 2757—DAVID TUDOR GRIFFITHS

Claimant was a Lance Corporal in the 8th Battalion—Regimental No. 1103. He enlisted in August 1914, at the age of 31 years (he was possibly 34 as he gave his date of birth as May 1880, upon attestation), and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the right leg, index finger left hand, lower abdomen and left leg. He was released through Holland October 6, 1916. He is in receipt of an 100 per cent disability pension, amounting to \$104.50 per month, based on amputation at the right thigh, duodenal ulcer and pulmonary tuberculosis. He was married in February 1919 and has no children. Prior to enlistment, he was employed as a grain buyer, at \$120 per month and is now a clerk, at \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper medical treatment of wounds, causing amputation, and loss of property taken by his captors to the value of \$171.

An analysis of the evidence reveals:—

Claimant states he had his watch and other valuables taken after capture. Moved from a Belgian hospital, claimant was carried in a railway truck to Hoffjager, Magdeburg, where, he states, he was thrown from the carriage window to the platform. In hospital, he claims his wound was not treated, bandages were scarce and no splints were applied to his leg. He describes one feature of his treatment thus: "They could not afford to put a cast on it, and they nailed it to a board." (This refers to his knee). He remained here for nine months and asserts that he was threatened with shooting as a reprisal. Next, taken to Aachen, he was examined by the Swiss Commission but was held back for further operations and alleges that his condition was so disgraceful from a surgical standpoint that they were ashamed to transfer him. The burden of his whole complaint is that had he received proper treatment in German hospitals, he would not have lost his leg.

The military file contains a statement by claimant after repatriation which does not agree in many particulars with the story as now told. He has no complaints of the doctors, except one, whom, he states, was no good, but says instances of neglect can only be charged to understrappers and orderlies. The conditions at Aachen, he says, were infinitely better than at Magdeburg. No medical testimony was adduced at the hearing, the record consisting of lengthy military reports on file and a certificate by Dr. C. W. Burns indicating the loss of the right leg at the mid-thigh. He states that the leg was never attended properly and there is gross deformity and shortening. He fixes the disability at 100 per cent. As instances of the discrepancies between the two stories, claimant says nothing, upon repatriation, of being thrown from the railway carriage window, nor does he mention the "nailing" of his leg to a board as part of his treatment. In all he appears to have had eleven operations in Germany, and, with the exception of one surgeon, expresses himself as satisfied with his treatment.

In this state of the record, having regard to the difficulty we have in arriving at a correct statement of the facts, the discrepancies between claimant's two stories cannot be overlooked. I cannot help but be impressed with the inconsistencies and I am constrained to find that claimant has not made out a case of malpractice on the part of the German surgeons. If neglect there was, I consider that it cannot be regarded as maltreatment, but must be put down, at worst, to error of judgment. The claim for loss of property cannot be allowed, for want of corroboration. On the whole, I find that claimant's pension award covers the case and that, before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.



## CASE 2685—JOHN HENRY HARRISON

Claimant was a Private in the 7th Battalion—Regimental No. 23398. He enlisted in August 1914, at the age of 18 years, and was taken prisoner April 23, 1915, at the second battle of Ypres, slightly wounded in the right arm and suffering from gas. He was repatriated to England in November 1918. He is not in receipt of pension but has an application pending. He is married and has four children. Prior to enlistment, he was a miner, earning \$1,800 per annum, and is now a clerk with the Consolidated Mining and Smelting Company, earning \$200 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bodily violence when struck in the back with a rifle, general abuse and brutality for being regarded as a malingerer and now suffers from nervous disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp and has no complaints of his treatment there. Removed to a chemical factory at Wohlgelegen (sic), Mannheim, where he remained for three years, he complains of the heavy work in his weakened condition. He was struck in the back with the butt of a rifle, while leaning over wheeling a barrow, and further struck by the guards for being unable to work, and was forced back to the task. On another occasion, still unable to work, claimant was thrown from a truck, a drop of four or five feet, by a guard, and later thrown from an upper bunk for the same reason. Though he reported sick the doctor would not listen to him and he was compelled to continue work. He was denied any hospital treatment and except for a short time at Mannheim, at the end of the war, spent all his time at the chemical works referred to. To these experiences claimant attributes nervous disorders. A fellow prisoner (Goseltine) has testified that claimant seemed to be picked on by the guards and corroborates the incident of the blow when claimant was wheeling a barrow. Other certificates have been filed attesting to the rough treatment received by claimant.

The medical record indicates that claimant suffers from "nervous irritability"—ideas of persecution, loss of appetite developed in 1930 (September)" but with complete recovery. His percentage of disability is stated by Dr. Haszard at from 30 per cent to 50 per cent on the ground of psychosis. Dr. C. L. Williams also certifies to a condition of psychoneurosis which appears to have been particularly marked in 1928, when he was advised to take a holiday, which he did. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

This case presents features of a nervous or mental condition which it is difficult to estimate. It is significant that no physical disability appears to have resulted from the blows and abuse referred to. The strain and duress of his experiences seem to have preyed upon claimant's mind to such an extent that in 1928 he developed a mental or nervous state—largely induced by brooding over his real or imaginary grievances—which incapacitated him. While he was roughly treated as a prisoner, I do not think that the record justifies a finding that he has proven the connection between his present condition and maltreatment at the hands of the enemy. I regard his case as one for the consideration of the Board of Pension Commissioners. Before this commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 8, 1933.



**CASE 2571—VICTOR BENJAMIN HAWKINS**

Claimant was a Corporal in the Fort Garry Horse—Regimental No. 118068. He enlisted February 1, 1915, at the age of 27 years and was taken prisoner November 20, 1917, at Fresnoy, unwounded. He was repatriated to England, November 30, 1918. He is not in receipt of pension, and is unmarried. Prior to enlistment, he was engaged in farming, earning \$160 per month, and has resumed that occupation but asserts he is merely existing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not set out any particulars of complaint in his declaration form.

An analysis of the evidence reveals:—

First taken to Munster, where he remained six months, he has no complaints, except as to the food. He was then sent to Dulmen, where he spent the remainder of his period of captivity. He seems to have suffered no brutality or ill treatment here and was given light work in looking after Red Cross parcels. His complaint is that due to close confinement and bad food his health has suffered.

The medical record consists of a certificate by Dr. S. McFarlane, of Carbon. Alta., who finds claimant suffering with varicose veins and myalgia and states that patient seems to be nervous and irritable. The military medical examination, upon discharge, notes "all systems normal."

There is no evidence of maltreatment in the record. Claimant appears to have been particularly fortunate as a prisoner. The fact that he does not feel as well now as he did before the war, which he attributes to the poor food received and confinement to barracks, does not meet the requirements entitling claimant to an award. The claim should never have been presented before this Commission. It must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1932.

**CASE 2749—CAMPBELL STUART HAY**

Claimant was a Private in the 8th Battalion—Regimental No. 21372. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, unwounded but gassed. He was repatriated to England November 23, 1918. He is in receipt of a 40 per cent disability pension, although he stated at the hearing that he was not. The military records indicate constitutional psychopathic state, anxiety neurosis, dupuytren's contraction and heart trouble. He was married in 1924 but is separated from his wife and is supporting a child. Prior to enlistment, he was employed as a dyer, earning up to \$18 per week and is now similarly employed working on commission, earning at most \$20 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a blow in the face with a rifle butt causing the loss of teeth, and that he had a finger broken.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Munster, Senne lager, Minden and Friederichsfeld camps. At Munster, he received the blow which knocked out his teeth and thinks it was administered because he was smoking a cigarette. At Senne lager, while engaged in road building, he was struck on the hand by a rock thrown by a guard, resulting in a broken finger. He states that the camp doctor attended to the finger. He was sent to a coal mine attached to Friederichsfeld (Westerholt) where he remained about 14 months. For an attempt to escape, he was beaten and given the usual solitary confinement. Here, he was

taken ill with dysentery but was refused medical attention. He was given long periods of standing to attention on Sundays and in general describes his experiences at Westerholt as a continued round of brutality from start to finish.

The medical record consists of a certificate by Dr. A. E. Talbot, of Calgary, which certifies that he treated the claimant at intervals since 1924 and finds him suffering from general debility, indigestion, haemorrhoids, constipation and palpitation of the heart. He also notes the loss of teeth and the injury to the right hand. His percentage of disability is stated at from 50 per cent to 100 per cent.

Claimant's story as told to the Commission would indicate very harsh treatment. But his earlier statements made upon medical examinations do not coincide with his testimony. Thus, he stated on one occasion that he had 7 months and on another that he had 3 months in the coal mines. Again, it appears from claimant's records that he had 9 teeth extracted in 1919 and the remainder in December, 1920. These contradictions cannot be overlooked and I am inclined to think that claimant's testimony cannot be fully accepted. Whatever claim he may have is properly a matter for the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

#### CASE 2408—HENRY VICTOR HEAVER

Claimant was a Private in the 1st C.M.R.—Regimental No. 117068. He enlisted in December, 1914, at the age of 24 years and was taken prisoner June 2, 1916, suffering with gunshot wounds in the back, both hands, legs, right knee and scalp. He was invalided to Holland in April, 1918, and reached England in November of that year. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on the wound in the right hand, and tuberculosis. He is unmarried. Prior to enlistment, he was engaged in farming but is unable to state his earnings and now he is operating a farm with another man.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, of being beaten, that he was given solitary confinement and poisoned by gas while working on coke ovens.

An analysis of the evidence reveals:—

After being attended for his wounds at Courtrai, claimant was taken to Duisburg hospital, where he has no complaints; thence to Dulmen, where the only complaint is as to the food. Sent out on a working party, he attempted to escape, was recaptured, and received three weeks confinement to cells on bread and water. He was next sent to Burgsteinfurt, where he underwent long hours of labour, standing to attention and parcels were withheld. He was then returned to a factory at Duisburg, working on the coke ovens. The gas affected him and he was finally invalided to Holland.

The medical record consists of a certificate from Dr. J. S. Murray, who did not appear before the Commission, indicating chronic cholecystitis and disability in right and left hands. The disability is stated at from 50 per cent to 65 per cent. Claimant's medical history files relate to his service wounds, with some indication of tuberculosis in left wrist.

Claimant's complaints are of a general character and refer chiefly to malnutrition and heavy labour to which he was subjected. I do not think it can be said that his present disabilities are attributable to any particular maltreatment



by the enemy. He has thus failed to discharge the burden of showing a present disability resulting from maltreatment. I regard his case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

### CASE 2679—THOMAS RICHARD HOBBS

Claimant was a Sergeant (though he declares he was a Private when captured) in the 43rd Cameron Highlanders of Canada—Regimental No. 234750. He enlisted April 14, 1916, at the age of 27 years and was taken prisoner March 29, 1918, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married in April, 1922, and has four children. Prior to enlistment, he was engaged in farming and is now an implement dealer on a commission basis.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and nervous disorders due to his treatment.

An analysis of the evidence reveals:—

Claimant seems to have passed through Douai, Denain, Conde, Marchiennes, Parchim and Springhurst during his nine months captivity. He states that he escaped brutality, was not forced to work and that starvation forms the main basis of complaint. He is now extremely nervous and suffers periodic nervous breakdowns.

No medical evidence was adduced at the time of the hearing, the record consisting of a certificate by Dr. D. A. McKay, who indicates that claimant suffered no actual bodily injury, only weakened nervous condition caused by starvation and the mental anguish suffered while a prisoner. He fixes the disability at from 25 per cent to 100 per cent according to working conditions. Two declarations by acquaintances are filed, testifying to claimant's present nervous condition. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant has evidently misapprehended the scope of this Commission's activities. The record discloses what may or may not be a case for pension. It does not show any disability resulting from maltreatment. Privation is stated to be the cause of claimant's present ailments. Such ground does not constitute a good basis of claim for reparations (See Opinion annexed to my earlier report upon maltreatment cases). The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2802—CHARLES HENRY HOPKINS

Claimant was a Private in the 3rd Battalion—Regimental No. 126311. He enlisted September 11, 1915, at the age of 22 years and was taken prisoner June 13, 1916, suffering from gun-shot wounds in the left arm and chest. He was repatriated to England January 25, 1919. He is not in receipt of pension but received a gratuity of \$25 for an injury to the third finger on the right hand. He was married in December, 1919, and has two children. Prior to enlistment,



he was employed as a railway brakeman, earning \$70 per month, and followed this occupation since discharge, earning up to \$170 per month. He is laid off at present.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, exposure and being beaten.

An analysis of the evidence reveals:—

After several days in Julich hospital, claimant was removed to Stendal, and, in March, 1917, was transferred to Wittenberg, on farm work. From there he went successively to Quedlinburg, Halberstadt and Altengradow. In May, 1918, the prisoners went on strike and in the melee which ensued he struck a sentry in defending himself from blows from a rifle. He was taken for court-martial but the Armistice intervened. He states also that about November 4, 1918, he received a beating with rifle butts and sustained broken ribs.

The medical record consists of a certificate by Dr. S. J. Stott indicating myocardial disease, loss of vitality, neuritis and permanent stiffness in the joint of the 4th finger of the right hand. He rates the disability at 4 per cent. Dr. Stott did not appear before the Commission. Claimant's medical history files show nothing unusual, apart from his service wounds.

The claimant states that whilst a prisoner he was on light duty all the time owing to his wounds, and that since his discharge he has never had any medical treatment. Under the circumstances claimant has failed to establish that he suffered any maltreatment which would occasion disability. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDougall,

*Commissioner.*

OTTAWA, January 24, 1933.

### CASE 2725—FRANK HUBBARD

Claimant was a Lance Corporal in the 15th Battalion—Regimental No. 27483. He enlisted in August, 1914, at the age of 23 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was exchanged to Holland in March, 1918, and reached England in November of that year. He is not in receipt of pension, was married in February, 1919, and has one child. Prior to enlistment, he was employed as a salesman, at \$15 per week, and is now following the same occupation, at \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, neglect and lack of treatment for his feet.

An analysis of the evidence reveals:—

Claimant spent about a year and a half at Gottingen camp as to which he has no complaints, apart from the food. Sent to Langensalza, he was placed in the lumber camps, where he attempted to escape and got the usual two weeks solitary confinement. He made subsequent similar attempts and received the usual punishment. His toe became infected; treatment was at first refused, was later given, but the condition had progressed so far that the treatment was ineffective. He spent the balance of his period of captivity at Cassel, and has no complaints.

The medical record consists of a report by Dr. E. R. Selby, indicating that claimant suffers from chronic bronchitis, internal haemorrhoids and constipation; has varicose veins and deformed great toes. His percentage of disability is stated at from 20 per cent to 40 per cent.

Claimant does not appear to have encountered particularly rough treatment. The condition of his toes, if constituting disability, has not been shown to be the result of maltreatment. His other ailments are quite general and are probably the sequel to general conditions of camp life in Germany. I do not consider that claimant has discharged the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

#### CASE 1981—ELLIS D. HUGHES

Notice of claim was received by letter from claimant, dated January 1, 1931. Claimant was a Private in the Second Battalion—Regimental No. 7981, who enlisted in August, 1914, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He is in receipt of a 13 per cent disability pension, based on the loss of his left eye, due to an accident in Germany.

His claim is based on medical neglect causing the loss of the eye. Claimant did not complete the usual declaration forms, and when notified to appear at Toronto, on April 13, 1931, he did not do so, and advised by letter, dated November 12, 1931, that he did not wish to press his claim. He reiterated his intention of abandoning claim by letter dated February 24, 1932.

The claim is therefore dismissed for lack of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 23, 1933.

#### CASE 2152—SYDNEY A. HUSTWITT

Notice of claim was received from the above named claimant in June, 1931. The usual documents of claim were sent him for completion, but have never been returned. There is thus no information concerning the claim of record. Claimant was notified to appear before the Commission at its sittings, in Toronto, on December 7, 1932, but failed to appear. He wrote advising that he wished to withdraw the claim. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

#### CASE 2788—GEORGE HUTCHINSON

Claimant was a Private in the 4th C.M.R.—Regimental No. 113312. He enlisted on March 29, 1915, at the age of 38 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 5, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on chronic bronchitis. He was married in June, 1898, and has four children, all of age. Prior to enlistment, he was employed as foreman with the Canadian Canoe Company, earning \$15.25 per week, and followed his trade with the Canoe Company until January, 1932, at \$22.50 per week, and since that date has been doing odd jobs.



He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in a gas factory without protection from the fumes, exposure, confinement and bad food.

The record indicates that claimant was first taken to Munster, then to Duisburg, where he worked at carpentry for a month and was then placed in a gas making factory, to attend furnaces. Here, he states, the fumes were overpowering and that he was not supplied with a respirator as were the civilian employees. He contracted bronchitis but was forced to carry on until he collapsed; was allowed to remain in his bunk for two weeks and then attempted to escape. He was captured and questioned by German officers and was stripped naked and sentenced to stand on a brick for three hours. He collapsed after two hours and was placed in the cells for 28 days on bread and water. He was then returned to the gas works and made to work an extra three hours per day, was subjected to blows with rifle butts on the shins and still carries scars. In November, 1917, he made another attempt to escape and got a further sentence of 28 days confinement. After serving this sentence he was not further ill-treated.

The medical record consists of a certificate by Dr. S. Walsh, indicating inflamed tonsils and general congestion in the throat, lung disorders due to exposure to gas. He fixes the percentage of disability at from 60 per cent to 80 per cent. A certificate by Dr. Hanson is also filed, who diagnoses claimant's disability as chronic bronchitis and associated tachycardia. Claimant's medical history files show the condition of bronchitis referred to, for which he is in receipt of pension.

I regard claimant's case as purely pensionable in nature. The condition of bronchitis from which he now suffers is occupational in origin, and I cannot say, from the record, that it has been shown to result from maltreatment. It may be due to the carelessness of his guards in putting him at dangerous work without proper protective devices, but I do not regard such treatment as active maltreatment. Claimant's recourse, in my opinion, is properly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 23, 1933.

### CASE 2770—ROBERT IRVING

Claimant was a Private in the 13th Battalion—Regimental No. 25089. He enlisted in August, 1914, at the age of 26 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the left thigh and gas. He was repatriated to England December 2, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$127 per month, based on bronchiectasis and the wounded thigh. He was married in September, 1919, and has two children. Prior to enlistment, he was employed as a railway clerk, at \$50 per month and after discharge resumed his former occupation but had to resign in June, 1931, due to ill-health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while unfit and suffering with haemorrhages.

An analysis of the evidence reveals:—

Claimant remained in hospital at Paderborn for a year and a half and was then sent to Sennelager and thence to Staumuhl (sic). In May, 1917, he was sent to a stone quarry at Lethame (sic) expecting to be transferred to Switzer-



land. Instead, he was turned out for work and in two days had a severe haemorrhage and was returned to Minden. He was next sent to work at an incinerator at Berman (sic) but was unable to work due to continued cough and expectorating blood. Sent to Dulmen, and placed on a farm, the same thing occurred and he was finally returned to Friederichsfeld where he remained as an officer's servant. He finished his period of captivity at another officer's camp in Graudenz. His complaint is summarized by exposure, efforts to make him work when his illness demanded complete rest, and neglect of his obvious condition evidenced by haemorrhages. A letter is filed written by an association supplying invalids' comforts to prisoners of war, addressed to the Senior British Officer interned at Graudenz asking that Scott's Emulsion be procured for the claimant to relieve his conditions.

No medical testimony was adduced at the hearing and no certificate filed, claimant relying on his pension file (which is complete) as to his medical history.

Claimant himself attributes the inception of his chest condition to the chlorine gas which he received when captured and I think he is probably right as to this. The record does not disclose active maltreatment whilst a prisoner which would be apt to have the result noted or to aggravate an existing ailment. Having regard to all the circumstances, I consider that claimant's case is purely one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 10, 1933.

#### **CASE 2653—DAVID ADAM JACK**

The claimant was an Imperial soldier, a Private in the Cameron Highlanders—Regimental No. 21381. He first came to Canada to reside in 1921. He enlisted in November, 1915, and was taken prisoner on March 28, 1918, unwounded. He was repatriated to England in November, 1918. He is in receipt of an Imperial pension, amounting to 7/6 per week. He is unmarried. Prior to enlistment, claimant was a school boy. He is now a cook, on the fishery patrol, earning \$80 per month.

It was explained to claimant, at the hearing that, as he had not served with a Canadian Unit and had come to Canada in 1921 only, this Commission is without jurisdiction to entertain his claim. It is only in the case of Imperial soldiers who became resident in Canada previous to January 10, 1920, date of the ratification of the Treaty of Versailles, that this Commission may act (See Opinion annexed to my earlier Report upon maltreatment cases). Reserving, therefore, to claimant all his recourses, and without deciding the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

#### **CASE 2584—FRANK JAMES**

Claimant was a Private in the 31st Battalion,—Regimental No. 434112. He enlisted December 31, 1914, at the age of 23 years and was taken prisoner March 7, 1916, unwounded. He was exchanged to Switzerland in July, 1918, and reached England in December of that year. He is in receipt of a 10 per

cent disability pension, amounting to \$7.50 per month, based on chronic bronchitis. He is unmarried. Prior to enlistment, he was employed as a brick-setter, earning fifty cents an hour and after discharge was unable to follow his trade and did odd jobs.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement, starvation diet, and beatings.

An analysis of the evidence reveals:—

Claimant was at Giessen for over a year, when he took ill in December, 1917, with a cold. Instead of being given treatment, he was placed in solitary confinement on bread and water. He was sent to hospital later and transferred to Sprottau, where he spent the remainder of his period of captivity, in hospital. He alleges that, had he been given prompt treatment for his illness, he would not now be suffering with bronchitis.

The medical record consists of a certificate of Dr.—(Doctor's name indecipherable), indicating that claimant suffers with chronic bronchitis, pulmonary tuberculosis and pharyngitis. The percentage of disability is stated at ten per cent. He received hospital treatment in England upon repatriation. Claimant's medical history files show nothing unusual and refer to the bronchial condition, for which he receives pension.

The evidence of maltreatment is neither strong nor convincing. Claimant vaguely contends that had he been properly treated for a cold, which he contracted in Germany, he would not now suffer from a chest condition. He was exposed to no particular brutality and tells a confused story of his experiences in Germany. He has quite misapprehended the scope of this Commission's activities. Whatever claim he may have is a matter for the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1932.

### CASE 2690—WILLIAM JENNION

Claimant was a Corporal in the 4th C.M.R.—Regimental No. 109416. He enlisted in November, 1914, at the age of 22 years, and was taken prisoner June 2, 1916, wounded in the right shoulder, right thigh, right leg and left arm. He was repatriated from Germany on May 7, 1918. He is not in receipt of pension, but has an application pending. He is unmarried. Prior to enlistment, claimant was a structural steel draughtsman, earning \$80 per month. He is now an electrician, and, when working, earns \$1 per hour.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of lack of medical treatment and bad food, resulting in stomach and bladder affections.

An analysis of the evidence reveals:—

Claimant was first taken to Courtrai, where his wounds were attended. Removed to hospital at Duisburg, where he remained two months, the treatment was fair. He complains that he was discharged before his wounds had healed and was sent to Friederichsfeld and was denied an examination by the Swiss Commission. Sent then to Crossen (sic), followed by Kottbuss, he complains only of the food at the latter camp. After a few days at Merzdorf, he was confined in huts for no apparent reason; thence back to Kottbuss where he received further confinement. At Huseppe (sic), where claimant spent a year, he suffered from dysentery and cystitis, due to the exposure in the wet and cold



and received no medical attention. He was not beaten but was made to stand to attention in the wet snow for failing to go out on work. He completed his period of captivity in Hameln without incident. As a result of these experiences, he complains of his stomach, heart and nerves.

The medical evidence indicates that claimant suffered from, "persistent symptoms of gastric and intestinal indigestion up to November, 1928. Medical treatment from November, 1928, to November, 1930, when he was operated upon for duodenal ulcer. Condition much improved since operation. Tendencies to cystitis with repeated attacks." Dr. L. C. Skeels, who certifies to the foregoing, does not find claimant suffering from any permanent disability and finds his condition vastly improved. Claimant's medical history files show nothing unusual.

From the foregoing review of the evidence, it is clear that claimant now suffers very little disability which can be ascribed to maltreatment whilst a prisoner of war. For reasons which have been explained in general opinion annexed to my earlier report on maltreatment cases, injury to health resulting from the strain and duress of camp conditions in Germany cannot be said to have been caused by maltreatment. On the whole, the claimant has failed to discharge the burden resting upon him. The claim accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 13, 1933.

*Commissioner.*

#### CASE 2714—ERNEST J. JOEL

Claimant was a private in the 4th C. M. R.—Regimental No. 405318. He enlisted in August, 1915, at the age of 21 years, and was taken prisoner June 2, 1916, wounded in the right knee. He was transferred to Switzerland, as medically unfit, in December, 1916. He is in receipt of a 45 per cent disability pension, amounting to \$67.25 per month, based upon his knee injury. Claimant is married and has five children. Prior to enlistment, he was a chauffeur, earning \$12 per week. He is now a motorman with the Toronto Transportation Company, earning 50 cents per hour.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of aggravated injury to his knee through inadequate medical attention and that his toes were injured through carelessness in hospital.

An analysis of the evidence reveals:—

Claimant was a prisoner for about six months, practically all of which time he spent in hospital at Julich. After a preliminary field dressing, though badly wounded in the knee, claimant was prodded with bayonets into walking back to a hospital behind the lines. At Julich, he underwent 7 operations to his knee and does not suggest that there was any neglect in regard thereto, but declares that he has developed hammer toes, due to the failure of the hospital authorities in not providing a cage or net to keep the weight of the bed clothes off his toes. His complaint of maltreatment is confined to this treatment.

There is no medical evidence of record and it is scarcely likely that there would be in the circumstances. Claimant's medical history files relate to his service wounds with some reference to partial ankylosis of the right great toe.

Claimant's complaint of disability to his toes, for the reason stated, is anything but convincing. He appears to have received fair treatment as a prisoner and his alleged disability, even if proven, could hardly be said to be the result of maltreatment. I regard claimant's case as entirely covered by pension. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 13, 1933.

*Commissioner.*



**CASE 2713—JOHN MANNERS JOHNSON**

Claimant was a Lance-Corporal in the 58th Battalion—Regimental No. 452602. He enlisted in July, 1915, at the age of 22 years, and was taken prisoner on October 8, 1916, wounded in the left leg, below the knee. He was repatriated, via Holland, in January, 1918. He is in receipt of a 65 per cent disability pension, amounting to \$48.75 per month, based upon the loss of his left leg. He is married and has three children. Prior to enlistment, claimant was doing general labour, earning very little. He is now employed by the Department of Pensions and National Health, making artificial limbs and earns about \$133 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal treatment in hospital and that his leg was unnecessarily removed above the knee, and had he had proper treatment the leg might have been saved.

An analysis of the evidence reveals:—

Claimant encountered rough treatment whilst being taken back behind the lines and declares that he was kicked and maltreated. At a dressing station, he received no treatment and reached Cambrai several days later without having received any medical attention. Sent then to Julich hospital, he complains of the rough and cruel treatment of the orderlies. He was operated on five times in hospital and declares that he did not know the leg was to be removed. His main complaint is that his leg was amputated, at Trier, one inch above the knee, when the wound was below the knee, also that had he received proper attention, amputation might not have been necessary. As to the actual operation itself, he does not complain—it was well done. Sent to Aachen, for transfer to Holland, this was denied and he was sent to Langensalza. While he received no brutal treatment here, he complains bitterly of the food, accommodation in barracks, and lack of medical attention.

The medical evidence indicates that claimant's left leg is amputated above the knee. His percentage of disability is stated at 65 per cent. Dr. J. A. Carson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, apart from the amputated leg.

The obvious difficulty of showing malpractice is clear in this case. While his treatment may have been rough, there is nothing in the record to show that the removal of the leg was improper or that it was amputated above the knee without reason. The inference that because the wound was below the knee, the amputation should not have been performed above, has not been substantiated. I regard claimant's disability as purely pensionable in nature. He has failed to establish a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

**CASE 2738—LESTER JAMES JOHNSTON**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113325. He enlisted July 31, 1915, at the age of 23 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 23, 1918. He is not in receipt of pension, was married in April, 1920, and has four children. Prior to enlistment, he was an apprentice electrician, earning \$9 per week and is now an electrician, at 40 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of trench feet contracted in the coal mines, injury to the right eye by a blow from a miner's lamp and general conditions as to food and exposure.

An analysis of the evidence reveals:—

First at Dulmen, claimant has no complaints except as to the food. At Minden, he was placed on a farm but he did not work, was returned to camp and moved to Dusseldorf to the coal mines. The conditions were unbearable, no proper rigging, and working continually in salt water. He contracted trouble with his feet due to these conditions and is now incapacitated as an electrician because he is unable to climb. He was beaten and confined for an attempted escape and served in all some 90 days in dark cells and was subjected to three beatings. Finally he attempted to injure his own leg to escape this mine and was sent to Friederichfeld. He was placed on a farm and was under further sentence of confinement for attempted escape when the Armistice was signed. He recites an incident of being beaten in the mine and then struck with a lamp, leaving a scar over the right eye, because he could not understand German.

The medical record consists of a certificate by Dr. H. G. Smith, who did not appear before the Commission. He indicates that claimant suffers arthritis of all the metatarso-phylangial joints of both feet. He fixes the maximum disability at from 10 per cent to 15 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant's only complaint of disability is as to his feet, which are incapacitated and prevent him from working. The evidence as to the manner in which this condition arose has not been clearly explained, nor does the medical evidence satisfy me that this condition results from the cause ascribed. On the whole, claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

### CASE 2723—FRANK JOLLINEAU

Claimant was a Private in the 2nd Battalion—Regimental No. 8664. He enlisted September 23, 1914, at the age of 26 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a marine fireman, earning \$70 per month and board and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, long periods of solitary confinement, bad food and malicious extraction of teeth.

An analysis of the evidence reveals:—

Claimant was sent to Giessen and was ill in hospital with rheumatic fever for six weeks. For refusing to work in a copper mine, he was beaten with rifles and bayonets and given two months' solitary confinement on bread and water at Butsbach. He was then court-martialled and served another two months. He was next sent to Lichtenhorst and placed at road making. He received no parcels and suffered from weakness due to starvation. Conditions on a farm, where he was next confined, were fair but the work was hard. He spent the summer of 1917 at Pogelmoor, cutting sod and complains of the food. He completed his period of captivity at Hanover, where conditions as to food were better. He was detained in Germany 14 days after the Armistice.



The medical record consists of a certificate by Dr. J. P. Keith, who did not appear before the Commission. It indicates that claimant suffers headaches and tires easily. Disability 20 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant's recital of his experiences in Germany does not disclose any particular maltreatment. His complaint has to do with the effect upon his health of the poor and inadequate food he received while a prisoner. As explained in general opinion annexed to my earlier report on maltreatment cases, injury to health from such a cause cannot be regarded as the result of maltreatment. The charge contained in claimant's statement of claim of malicious extraction of teeth is not mentioned by him in his testimony. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933.

### CASE 2689—ROBERT WILLIAM JONES

Claimant was a Private in the 3rd Battalion—Regimental No. 201203. He enlisted on November 12, 1915, at the age of 38 years and was taken prisoner on October 8, 1916, wounded in the right knee. He was repatriated to England in November, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$40 per month, based upon his wounds and impairment to hearing. Claimant is married. Prior to enlistment, he was a decorator, earning 25 cents per hour. He still follows the same occupation but is presently unemployed.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that a blow on the ear has affected his hearing and that he developed rheumatism due to exposure while held a captive.

An analysis of the evidence reveals:—

Claimant was taken to Stettin hospital, where his wounds were attended. Sent on to Altdamm, claimant worked in a chemical works for the remainder of his period of captivity. He was hit by a guard on the side of the face with the butt of a rifle, which he declares set up a discharge of his ear. The discharge began about a month after the blow. He confines his complaint to this incident, but speaks generally of the bad food.

The medical evidence indicates that claimant suffers from chronic muscular rheumatism of right arm and shoulder, and loss of hearing. His percentage of disability is stated at 50 per cent. Dr. W. A. McClelland, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the wound in the knee and some impairment in hearing, for which claimant receives pension.

Claimant rests his case for reparations upon the ear condition from which he suffers. I am informed that the blow on the head to which claimant ascribes the trouble, would not be likely to have that result, having regard to the inception of the condition and description thereof given by claimant. The discharging ear would most probably result from infection. Claimant is under a misapprehension as to the cause of his trouble. In the circumstances, therefore, claimant has failed to establish a present disability resulting from maltreatment. I regard his case as covered by pension. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 14, 1933.



**CASE 2450—CHARLES KAIN**

Notice of claim was filed on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, he appears to have enlisted in August, 1915, was taken prisoner on June 2, 1916, suffering from a sprained back, and repatriated to England on January 4, 1919. A claim for pension would appear to be pending. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to do so. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

**CASE 2480—THOMAS EDWARD KEELE**

Claimant was a Private in the 3rd Battalion—Regimental No. 10046. He enlisted in August, 1914, at the age of 17 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was exchanged to Holland in May, 1918, and reached England on November 23 of that year. He is not now in receipt of pension but for four years from the time of discharge received \$12.98 per month, based on heart trouble. He was married in June, 1926, and has no children. Prior to enlistment, he was attending school and is now employed as a watchmaker, at \$125 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, of a blow which broke his nose requiring operations, no medical attention and confinement to cells.

An analysis of the evidence reveals:—

Claimant was moved about to various camps, first Giessen for three months and next to Elberfeld. Here, he refused to work at unloading shells and states he spent four months out of six in close confinement. He received a blow which broke his nose, being hit with a stick and this injury has caused trouble and requires an operation. He was in hospital for two and one half months due to debility. Upon recovery, he was sent to the stone quarries at Ronckhausen (sic), where, he states, he was knocked around, underfed and worked about 18 hours per day. At Hestenmoor he acquired corporal's stripes but at Grossemoor (sic) it was apparently decided that he must work in spite of his assumed rank and he was placed at stacking peat for almost 20 hours per day. He states that he received a bayonet cut at this camp for not working fast enough and was taken to hospital. It is noted that on attestation a one inch scar running about one-half inch below the left eye was recorded. He went to Hameln and from there was exchanged to Holland. He complains of stomach trouble, the injury to his nose, and catarrh.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. E. C. Henderson, who notes that nasal septum is deflected to right spur on left side of septum. Both nostrils obstructed. He states: "patient is still working but is annoyed by mouth breathing and dropping in throat." He does not estimate the percentage of disability. Claimant's medical history files relate to a heart condition which may be due to privation and work while in Germany. The medical certificate above referred to makes no mention of this condition, which presumably no longer exists.

The coincidence of a scar below the eye upon enlistment, in the position in which claimant says he was injured while in Germany, may not be significant, but it casts some doubt upon the accuracy of claimant's statements. The nose injury, of which he complains, has not been shown to constitute a serious disability and could probably be relieved by operative treatment. On the whole, considering the evidence, I do not consider that claimant has been successful in showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

### CASE 2407—ARINGO THOMAS KELLY

Claimant was a Private in the 2nd Battalion—Regimental No. 8112. He enlisted in August, 1914, at the age of 32 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, having been blown up by a shell, suffering injuries to the head and face, the big toe in the left foot and the privates. He was repatriated to England December 19, 1918. He is in receipt of a 5 per cent disability pension, amounting, in all, to \$8.50, based on war wounds and further consideration is being given to the question of his spine injuries and muscular atrophy. His entire disability is fixed at 80 per cent. He was married September 13, 1919, and has six children. Prior to enlistment, he was employed as a tool-maker, at \$3.20 per day, and since discharge did light work in a machine shop, averaging \$19 per week. Recently was able to work only part time due to war disabilities and for the past two years has been doing nothing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of kicks and blows while working in a creasote plant; exposure and wet while working in the moors, also inhuman labour. He collapsed, was later beaten for refusal to work on munitions, and given solitary confinement.

An analysis of the evidence reveals:—

Claimant spent his period of captivity in a very great number of German prison camps. He was at Giessen, Hanau, Saltau, Litchenhorst, Langenmoor, Sudediwick, Stuttgart, Heidenheim, Ulm, Billingsbach, Heilburn, and Rabelshausen. He complains bitterly of the food conditions whilst a prisoner and refers to Litchenhorst as a very severe camp. Exposure to the weather, without adequate clothing, he was taken ill at Langenmoor and compelled to work although unfit. At Sudediwick, he was harnessed to a harrow in place of horses and made, with others, to drag the land. He collapsed and was sent to hospital and has no particular complaints as to his treatment in hospital, or, later at another hospital, where he was sent from a farm. For refusing to work at a munitions factory, he was beaten and served confinement to cells. Later, at a farm near Billingsbach, he was taken ill and sent to hospital and does not complain particularly of his treatment during this period. Claimant suffers from his hands and back. The hand condition apparently developed for the first time in 1930 and consists of a loss of grip and a cramping of the fingers. The injury to his back apparently dates to the time of his capture when he was buried from the explosion of a shell.

The medical evidence indicates that claimant still suffers from the original wounds received at time of capture—kyphosis of dorsal spine and progressive muscular atrophy. His percentage of disability is estimated at 100 per cent.

This information is certified to and taken from his medical history file. Claimant has also submitted to a full examination by the medical adviser to the Commission, Dr. Cathcart.

I have had great difficulty, in this case, in deciding whether claimant's present condition can be ascribed to his treatment in Germany. The claimant is an old soldier, who served in the South African War and must consider that the ailments of advancing years will reduce his physical vigour. From a very careful consideration of the file, I cannot say that claimant has definitely established that his present condition results from any act or acts of maltreatment on the part of his captors. I am rather inclined to think that whatever damage to his health occurred was due to general conditions of camp life in Germany. The claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment and his claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 16, 1932.

### CASE 2678—JOHN KELLY

Claimant was a Private in the 7th Battalion—Regimental No. 16568. He enlisted in August, 1914, at the age of 50 years and was taken prisoner April 24, 1915, at the second battle of Ypres, wounded in the right hand and leg. He was repatriated to England December 27, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based upon the injury to his hand. He is married and has no children. Prior to enlistment, claimant was a labourer, earning \$3.50 a day. He is now working on relief, clearing land.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of rough treatment, poor food, inadequate rest and anxiety.

An analysis of the evidence reveals:—

Claimant's wounds remained unattended for five days. He spent a month in Munster hospital. He is not very clear as to the sequence of events, but mentions being made to stand out in the rain for an entire day, apparently for refusing to work. He seems to have been at Mulheim and Hollick (sic), but without particular incident. At Hestenmoor, he complains that a farmer, for whom he was working, let a log fall off a waggon, pinning him to the ground and causing fracture of three ribs. He received practically no medical attention for the injury and still suffers therefrom.

The medical record indicates that claimant suffers from "myocarditis, general vascular and nervous deterioration, premature senility." His percentage of disability is stated at 50 per cent. Dr. D. J. Miller, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show the injury to claimant's right thumb. In other respects he is declared to have been fit upon discharge.

In this state of the record it is impossible to reach a finding in claimant's favour. He has not discharged the burden of showing a present disability resulting from maltreatment. At his present age, 69 years, it is not unusual to find the symptoms complained of. Claimant's recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 8, 1933.



**CASE 2754—HAROLD SIDNEY KENYON**

Claimant was a Private in the 29th Battalion,—Regimental No. 76027. He enlisted November 9, 1914, at the age of 19 years and was taken prisoner April 19, 1916, suffering from shell shock. He escaped from Germany March 12, 1917. He is not in receipt of pension, was married in September, 1920, and has three children. Prior to enlistment, he was employed as a carpenter at 40 cents per hour and is now following the same trade at 75 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement in a steam cell for nearly five days, unable to get fresh air, heavy labour when weakened from bad food and confinement and that he was beaten with an iron bar and rifle butt.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp and on working commandos attached thereto. His chief basis of complaint arises out of treatment received while at Heusten Iron Works. Having made two previous attempts to escape from this camp he was placed in a steam cell, which he states was full of vermin. Pipes with holes drilled in them ran around the room and live steam filled the place when the heat was turned on. Fresh air was obtained by lying on the floor or by putting the face to a crack in the door. Food conditions were bad. Resenting a blow from a civilian foreman, he became involved in a row which ended in this being knocked out by a blow from an iron bar, the sentry continuing to beat him with his rifle butt. He was thrown into an empty culvert without much clothing although it was raining. He lay there until next day, and returned to work until he succeeded in making his escape.

The military files contain a detailed account of claimant's prison life and of this three attempts to escape. This statement, made shortly after repatriation, is notable for its similarity to the story now told before this Commission.

No medical evidence was adduced at the hearing and no medical certificate is filed. Claimant's medical history files speak of disability from otitis media as negligible and also mention myalgia and haemorrhoids. He was apparently discharged as fit.

Claimant has told a very clear and frank story of his experiences in Germany. He alleges disability only in respect of deafness in the right ear, which he attributes to shell shock at the time of capture. He does not pretend to have suffered any disability as the result of maltreatment whilst a prisoner, and no medical evidence has been adduced establishing any disability. As far as this Commission is concerned, claimant has not made out a case, but may be entitled to pension, depending upon the extent of his impaired hearing. The claim fails and must be disallowed.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

**CASE 2643—CEDRIC HAMILTON KING**

The claimant served in the Imperial Forces, with the Royal Naval Division—Naval rating No. 3307. He first came to Canada to reside in 1926. He enlisted in August, 1914, was taken prisoner at Antwerp on October 9, 1914, and repatriated to England in December, 1918. He is not in receipt of pension. Prior to enlistment, claimant was a brewery clerk, earning about £150 per annum. He is now unemployed but has worked as a machinist, and, when employed, earns \$25 per week.

It was explained to claimant at the hearing that this Commission is without jurisdiction to entertain his claim, for the reason that he came to Canada to reside in 1926. Only those Imperial soldiers who became resident here previous to January 10, 1920, date of the ratification of the Treaty of Versailles, are entitled to submit their cases to this Commission (See my earlier report upon maltreatment cases). Reserving, therefore, to claimant all his recourse, and, without deciding the case upon its merits, the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2451—JOHN PERCY KING

Claimant was a Private in the 76th Battalion—Regimental No. 142544. He enlisted November 24, 1915, at the age of 17 years, and was taken prisoner September 17, 1916, unwounded. He was repatriated to England, November 30, 1918. He is not in receipt of pension, was married in March, 1924, and has three children. Prior to enlistment he was living at home on his father's farm, and is now farming for himself on a rented property.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He did not file a formal statement of claim.

An analysis of the evidence reveals:—

Claimant was first taken to Cambrai, where he remained until the end of October, and was then taken to Dulmen till December first. His only complaint is as to the food. He was then sent to Friederichsfeld, and placed at work in the coal mines where he remained for nearly two years. He developed sores which covered his head, neck and shoulders, was sent to hospital for three weeks, was returned to work before it cleared up and had to return to the hospital. He states that he has suffered with skin disease ever since. This disease forms the main basis of his complaint. In corroboration, two declarations are filed one by his brother George H. King, testifying as to the skin disease, and another by T. V. Trowbridge to the same effect.

The medical record consists of a report by Dr. W. Wilkins, who did not appear before the Commission, indicating that claimant suffers from dermatitis on neck and face, body, arms and legs. He rates the disability at 25 per cent. Claimant's medical history files disclose no disability.

The only disability of which claimant complains and has suffered from since discharge from the army, has been a skin disease which has apparently puzzled his family physician, but which would appear to be a form of scabies. There is nothing in his story, or in the records on file, to show that this condition could have been caused by maltreatment, and, under the circumstances, I am compelled to disallow this claim.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 24, 1933.

### CASE 2507—LELAND KOONS

There is very little information concerning this claimant of record. He has not completed the usual documents of claim, but it appears from his medical history files that he enlisted in September, 1915—Regimental No. 424998, was taken prisoner on June 6, 1916, wounded in the right arm. He was repatriated to England on January 2, 1919. He is not in receipt of pension and was apparently discharged from the service without disability.



Claimant failed to appear before the Commission at the time stated, but did appear after the Commission had adjourned its sessions in Chicago. He was afforded an opportunity to explain his claim. He spent 18 months at Stendal camp, where he was not subjected to any physical abuse. At Wittenberg, claimant speaks of the conditions as good, but at Merseberg he complains that the work in the coal mines was hard. He broke his finger accidentally and was made to continue work—his injury does not now incapacitate him.

There is no medical evidence of record, and claimant was advised at the time of the hearing that he must establish some disability resulting from maltreatment to entitle him to an award.

No further evidence has been made and it is clearly impossible to reach a finding in claimant's favour. He has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 6, 1933.

### CASE 2508—ARCHIBALD FRANCIS LANGSTON

Claimant was a Sapper in the Canadian Railway Troops—Regimental No. 238. He enlisted March 29, 1915, at the age of 37 years and was taken prisoner March 25, 1918, at Miramont, unwounded. He was repatriated to England December 9, 1918. He is not in receipt of pension, was married in 1900 and now has six children, five of age. Prior to enlistment, he was employed as a stone quarry man, earning about \$2.50 per day and is now employed as a railway car sweeper at 41 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe beatings, the loss of a tooth by a blow from a rifle butt and long periods of standing to attention.

An analysis of the evidence reveals:—

Claimant spent the entire eight months of his period of captivity at Dusseldorf, employed at railway work, 12 hours per day on scant diet. He received beatings because he could not understand German and had a tooth knocked out. On two occasions he was knocked unconscious. This was followed by solitary confinement. He refused to work in the coal mines and got the second beating referred to, followed by solitary confinement. For oversleeping one morning, he was sentenced to 10 hours standing to attention. He says he now suffers from arthritis and general debility.

Dr. Alexander Guttman gave testimony and stated that he has been treating claimant for about a year and a half, for the lame shoulder, which is probably due to arthritis. He is not positive that the arthritis was caused by blows from rifle butts, but is inclined to think so. Claimant's medical history files show nothing unusual, a condition of arthritis and gastritis being referred to.

I do not think from the comparatively short time that claimant was a prisoner (8 months) that it can be said that his present condition results from his experience. The shoulder trouble, which is arthritic in character, does not necessarily result from the blow referred to and I am not convinced that the loss of one tooth from a blow constitutes disability. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1932.



**CASE 2794—FREDERICK LEBAR**

Claimant was a Gunner in the First Division Trench Mortar Battery—Regimental No. 300408. He enlisted August 27, 1915, at the age of 18 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 8, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on ventral hernia. He was married in July, 1924, and has one child. Prior to enlistment, he was an apprentice furrier, earning \$3 per week and is now employed as a furnace man, earning \$70 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines while ill, confinement, being struck with a stick across the nose, and a rupture sustained while coupling railroad cars.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and, after three months, was transferred to K-47 coal mine. He remained here six or seven months, and, on one occasion, for refusing to work, was given long periods of standing to attention and was stood in front of the hot coke ovens for the better part of the day. He states that the gas from these ovens has permanently affected his throat. While suffering from pit poisoning, due to the water in the mines, he was compelled to continue at work and was struck across the nose with a stick by the foreman to keep him at work. He was sent to hospital after five days' illness, and remained there three months. He was returned to Munster and later sent to K 75 where iron coal cars were repaired. Here he sustained a rupture due to a German workman knocking out a coupling pin too quickly and pulling claimant over on the floor with the coupling. He states that this was intentional. He received no treatment and was given no truss but finished his captivity at a saw mill. He states he suffers with his nose at present due to the blow received from the stick and has difficulty in breathing.

No medical evidence was adduced at the hearing but claimant was closely questioned by the medical adviser to the Commission. The record consists of a certificate by Dr. J. C. Connell indicating the nasal trouble. Claimant's medical history files refer to the condition of hernia, for which he receives pension.

I am not satisfied, from the evidence, that the hernia of which claimant complains occurred in the manner stated. From its position, I am informed, it is most probably of congenital origin. At all events, even if caused as stated, it would be accidental in origin. Claimant's nose injury has not been definitely established. Dr. Connell merely says "hit on bridge of nose by German foreman with a stick." No percentage of disability is stated. Viewing the case as a whole, I do not consider that claimant has been successful in showing a present disability resulting from maltreatment while a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 19, 1933.

**CASE 2677—THOMAS CHARLES LITTLE**

Claimant was a Private in the 7th Battalion—Regimental No. 17294. He enlisted in September, 1914, at the age of 33 years and was taken prisoner April 22, 1915, unwounded. He was repatriated to England in December, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$137 per month, based upon tuberculosis. Claimant was married in 1924 and has four children. Prior to enlistment, he was a plumber, earning 50 cents per hour. He is now unemployed and wholly incapacitated.

Claimant alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of ill treatment, denial of medical attention and of being made to work when unfit to do so.

An analysis of the evidence reveals:—

Claimant does not complain of his treatment at Giessen, where he was first taken. He says the work was too arduous in his weakened condition. At Saltau, he was stripped of his clothing in order to have them fumigated and suffered from exposure. Sent to a farm, he complains that the clothing and footwear was inadequate. He later worked at a sugar factory and a lime kiln where the complaint is as to the long hours of work and exposure. Here he developed a haemorrhage of the lungs. Marked for transfer to Switzerland, he was sent to a chemical factory and forced to work carrying bags of cement.

The medical record clearly establishes advanced pulmonary tuberculosis. His percentage of disability is stated at 100 per cent. Apart from the medical certificate attesting this condition, claimant's medical history files furnish corroboration of claimant's disability.

While there seems to be no question that claimant contracted tuberculosis while in Germany, I do not know that it can be said that this was induced by maltreatment. It may have been poor judgment to make claimant work in his then condition, but at most I would regard this as carelessness. I feel that claimant's case is covered by pension and that he has failed to show that his experiences in Germany have necessarily resulted in his present state of disability. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 9, 1933.

### CASE 2763—CHARLES HUNGERFORD LOCHEAD

Claimant was a Private in the 31st Battalion—Regimental No. 808239. He enlisted January 20, 1916, at the age of 21 years and was taken prisoner March 29, 1917, suffering from a shrapnel wound in the right foot. He escaped to Denmark in August 1918. He is not in receipt of pension, was married in July 1923 and has four children. Prior to enlistment, he was a cow hand on a ranch, earning about \$400 per annum and is now on his own ranch, but doing poorly.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, bad quarters, poor food, compelled to work while ill and weak, behind the German lines, beatings and that he was made to stand to attention for long periods.

An analysis of the evidence reveals:—

First at Lille, in hospital, and then at Fort McDonald, confined to a cement room, claimant was starved and neglected. He was then placed on working parties which, he declares, were close behind the lines, exposed to shell fire, where he was kept about two months. He was starved and beaten due to inability to keep up with the work. Later, he was placed at bush work, and as he was suffering from his wounds, he was given lighter work to do. Finally, he was taken into Germany, reached Friederichsfeld, and received hospital treatment at Hamburg for skin disease. He relates an incident of being made to stand to attention for four hours for smiling while being forced to do the goose step. He now suffers with severe stomach disorders. Three letters are filed by fellow prisoners and acquaintances in support of his claim.

The medical record consists of two certificates by Dr. J. Kenny of Turner Valley, Alta., as to the stomach condition. He rates claimant's percentage of disability at 30 per cent. Claimant's medical history files contain a summary of the statement made by him upon repatriation, which is substantially in accord with the story related by him before the Commission. In this statement he declares that he was held close behind the lines, at Denain, whereas, from war records, in March 1917, Denain was far removed from the allied lines.

Even if claimant did spend two months behind the lines, it will be observed that this was in 1917, when conditions of brutality and cruelty were not as they later developed in 1918 in similar cases. The evidence of disability resulting from maltreatment does not, in my opinion, justify a finding in claimant's favour. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2565—JOHN LONGWORTH

Claimant was a Sapper in the 2nd Canadian Tunnelling Company—Regimental No. 503291. He enlisted February 5, 1915, at the age of 23 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married in April 1920 and has one child. Prior to enlistment, he was employed as a coal miner, at \$7.50 per day, and is now fire boss in a mine, at \$5.85 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, that he was kicked and beaten while ill, about the back with rifle butt, resulting in a permanent lamed back.

An analysis of the evidence reveals:—

Claimant first spent two months at Dulmen, where he has no complaints, and the remainder of his period of captivity at Engers. At this latter camp, he recites instances of two beatings, the first while engaged in bridge work. He states he was doing extra heavy work and being unable to carry on was knocked down by a guard and kicked while on the floor. He had to be assisted to barracks by his comrades. The second incident occurred during the influenza epidemic in 1918. He was lying ill in bed when a guard beat him about the back with a rifle butt. He now suffers from lameness and weakness in the back which hinders him in his calling as a coal miner.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. C. B. Rose, indicating pain in the back and abdomen with night sweats and weakness. Disability rated from 10 per cent to 50 per cent. A further certificate by the same doctor recites that he has known claimant for six years and that during that time claimant has had repeated attacks of pain in the back and abdomen with weakness and night sweats. A certificate by Dr. J. A. Key recites that claimant had treatment from him from 1922 until 1927. He suffered from weakness, pains in the back and abdomen, night sweats and chronic gastritis. He advised him to give up coal mining. The record is completed by letters from fellow-prisoners corroborating the story of the beating and kicks in the back. Claimant's medical history files show a condition of some debility upon discharge from the service.

Claimant has sought to show that his lame back is the result of the blows he received in Germany. I do not think the evidence justifies a finding to this effect, and I am inclined to regard his disability as resulting from general con-



ditions of camp life in Germany which is not to be regarded as maltreatment. (See Opinion annexed to my earlier report upon maltreatment cases). Claimant's system was apparently unable to withstand the strain and duress of camp life, but the resultant debility can hardly be ascribed to maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 11, 1933.

*Commissioner.*

### CASE 2666—CHARLES H. L. MacDONALD

Claimant was a Corporal in the 15th Battalion—Regimental No. 27923. He enlisted in August 1914, at the age of 20 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the right lung, both legs and from gas. He was released to Switzerland in November, 1917, and reached England June 15, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 for himself and family, based on debility and dyspnoea, due to collapse of lower lobe of right lung and pleural adhesions. He was married November 8, 1922 and has two children. Prior to enlistment, he was a student and is now an architect, at \$50 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, of being given poison when he asked for water, made to work while ill and unfit until he collapsed, tortured and harassed by drunken troops, accused of shamming illness and not released to Switzerland for a year later than he should have been so transferred.

An analysis of the evidence reveals:—

Claimant lay, unaided, for five days on the field before he was taken in by the Germans, who sat him against a tree for 24 hours. He was roughly handled until he arrived at Roulers, where he received an injection, probably anti-tetanus. He was taken to Oberhausen and placed in hospital. He relates that while en route, he asked for a drink of water and was given something by a nurse which burned his face. He remained four months in hospital and states that he had an operation by one of the finest surgeons but the care and comfort was lacking by the nurses and attendants and he was really cared for by fellow-prisoners. He was put at work as soon as he was able to hobble around and was sent to a convalescent camp at Friederichsfeld. Placed at work, he finally collapsed. The work consisted of wheeling barrows of potatoes about a mile and then being made to sit and peel them all day in damp, cold quarters. He was then transferred to Saltau and placed at a lumber camp hauling provisions and unloading cars. He was unable to carry on and was returned to camp and placed on a farm. He was accused of bluffing, and, not excused by the doctor, he finally collapsed in the field and was returned to barracks. Upon recovery, and while returning from Verdun hospital, he was placed on a train with drunken German troops who mauled and mistreated him and finally kicked him off the train. He went before the Swiss Commission for examination but asserts that the remarks of the German doctor prevented his being passed for transfer. He was next sent to Heuberg, where he was still kept at work although weak and ill and was here finally passed for exchange to Switzerland.

The medical record consists of a certificate by Dr. T. J. Simpson, who did not appear before the Commission, indicating severe neurasthenia and lung trouble. He fixes the disability at from 20 per cent to 75 per cent. A declaration by claimant's mother corroborating his nervous disorders is filed. The military medical reports are lengthy and contain a complete history of claimant's chest condition.

The basis of claimant's complaint is that he was not given proper care while in Germany and was compelled to work when he was unfit, which treatment has aggravated his disabilities and induced a nervous condition which incapacitates him. The record of claimant's hospitalization and treatment after discharge is quite extensive. He is pensioned for the original chest wound which affected his lung and I do not think that the record justifies a finding that his treatment in Germany aggravated the disability. As to his nervous condition I cannot say that this is the result of maltreatment. Claimant was roughly handled, as were other prisoners, but he could hardly expect to receive the care, consideration and attention that he would receive in a civilian hospital. The incidents related following his capture are distressing, but in the heat of battle, I am not certain that anything better was to be expected. On the whole, and after very careful thought, I consider that claimant's case is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933.

### CASE 2703—ROBERT MADELEY

Claimant was an Imperial soldier who served, as a Private, with the Royal Welsh Fusiliers—Regimental No. 9985. He was a reservist who enlisted in July, 1908, at the age of 20 years. He came to Canada to reside in June, 1919. He was taken prisoner October 30, 1914, at Ypres, slightly wounded and was repatriated to England November 23, 1918. He is not in receipt of pension, was married in July, 1923, and has two children. Prior to the outbreak of war, he was employed as a bricklayer, at about 13 cents per hour and is now following his trade but cannot get much work to do.

He alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, starvation, back strain, forced labour, beatings and that he was given solitary confinement.

An analysis of the evidence reveals:—

Claimant was first detained in an open compound at Munster No. 1, during the month of November, where he was compelled to stand to attention for six hours, knee deep in mud. In April, 1915, he was sent to Halverde, where he remained until January, 1916. Here, he was forced to work long hours at leveling fields for light railways. Next, he was sent to Altonessen, working on top of coal mines at repair work. He strained his back lifting heavy machinery, was refused medical aid and was forced to continue work although in great pain. He also received 10 days' solitary confinement for refusing to work at night. After seven months, he was returned to Munster, where he remained until October, 1916. Finally, he spent two years at Rhineberg (sic), unloading stone barges, breaking stones and running salt wagons. For attempting to find shelter in a severe rain storm, he was routed out and given 10 days' solitary confinement and when placed in his cell, had water thrown over him. He received hospital treatment here for malaria. He still suffers with his back and stomach. He states that he received further confinement and beatings for attempted escapes.

Dr. David A. Henderson appeared and declared he attended claimant in 1924 up till 1929, for gastritis and pains in the back. Hospital examination has failed to disclose the cause of this pain. X-ray was negative for any organic feature. He is positive that claimant suffers real pain. The medical record contains a certificate by Dr. Henderson, indicating myalgia and rheumatism of the

back, chronic indigestion and gall stones and deficient teeth. A certificate by Dr. W. H. Butt to the effect that he attended claimant in 1924 for malarial fever is also filed.

Claimant's main complaint is as to his disabled back. As appears from the evidence, the original injury was accidental, during the course of his work. It has not been shown, nor, do I suppose, could it be demonstrated that any particular treatment would have been of benefit, save perhaps bed and rest. As the injury was not evident, I do not think that the Germans can be accused of maltreatment in refusing to give him such treatment when so many prisoners were simulating illnesses to escape work. The stomach condition spoken of is clearly nutritional in origin, and cannot be regarded as the result of maltreatment. Claimant's case, in my opinion, is purely pensionable in nature. Before this Commission, he has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGAL,  
*Commissioner.*

OTTAWA, January 17, 1933.

#### CASE 2799—JOHN MANCLARK

Claimant was a Private in the 60th Battalion—Regimental No. 139640. He enlisted February 16, 1915, at the age of 39 years and was taken prisoner August 14, 1917, unwounded. He was repatriated to England December 3, 1918. He is not in receipt of pension, was married prior to enlistment and has four children. He was employed as a labourer before the war, at \$12 per week, and is now unemployed but gets occasional work, at 40 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, bad food, inadequate clothing and exposure and denial of medical aid.

An analysis of the evidence reveals:—

Claimant first complains that his shoes were taken from him after capture and that he was given unnecessary inoculations at Dulmen. He was sent to Bochum, where he stayed some 14 months under conditions of starvation and long hours of labour in coal mines. He had an accident to his foot but received no attention from the doctor.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. Broad who treated claimant for five years, once for pleurisy, another occasion for a poisoned hand and finally for bronchitis. A certificate by Dr. D. A. McLeod is filed, indicating pains in the chest and cough and rating the disability at 50 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant is no longer young and must expect some diminution in his physical vigour. The basis of his complaint is that long hours of work upon inadequate food has injured his health. He does not complain of any particular physical brutality. Ill health resulting from general conditions of this nature, is not, in my opinion, to be regarded as the result of maltreatment (See Opinion annexed to my earlier report on maltreatment cases). Whatever claimant's case may be, it is ineligible for award before this Commission. It fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commisisoner.*

OTTAWA, January 17, 1933.



## CASE 2715—WILLIAM MARSHALL

Claimant was an Imperial soldier who served as a Private in the 1st Battalion, Royal West Kent Regiment—Regimental No. 7542. He was a reservist who enlisted in 1904, at the age of 20 years and came to Canada to reside in April, 1913. He was taken prisoner October 27, 1914, unwounded and was repatriated to England November 18, 1918. He is not in receipt of Pension, was married in April, 1913, and has six children. Prior to the outbreak of war, he was employed as a painter and decorator and is now unemployed although he earns \$25 per week when at work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a blow over the head with a rifle butt causing severe headaches which persist, teeth extracted without cause, and of being tied up facing the sun for four hours per day for 14 days.

An analysis of the evidence reveals:—

After being held a week behind the lines, claimant was taken to Wahn, near Cologne, where he remained nearly two years. He complains of non-receipt of parcels and that he was segregated from his companions and was struck by a sentry over the head with a rifle butt and knocked unconscious. He was returned to work in a forest after this incident. He was quartered with Russian prisoners and had to take the food given them and which he was unable to eat. He reported sick in order to have a tooth extracted and states that they extracted seven sound teeth and left the affected one. He also relates that he was given 14 days solitary confinement for an offence which he did not commit. The cell was dirty, damp and with no sanitary toilet arrangements. He had to sleep on the bare ground. While at Linburg, he was ordered to sing to make gramophone records, refused, and as punishment, was lashed to a post for four hours per day for 14 days. All the time he complained of non-receipt of parcels which were being sent from home, and received many kicks and blows from sentries due to his inability to understand German. He completed his period of captivity at a sugar beet factory, near Cologne, and received better treatment there. He states that due to dizziness and frequent nose bleeds he is unable to climb ladders or to bend down to paint floors.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. E. Wilkins, indicating digestive discomfort, vomiting and headaches. The disability is fixed at from 20 per cent to 25 per cent.

The story related by claimant of the malicious extraction of teeth was so incredible that he was advised that he should furnish some corroboration of the fact. This he has failed to do. I do not find in the record, evidence of a present disability which may be attributed to maltreatment. Any stomach disorder from which he may now suffer is probably attributable to general food conditions in Germany and should not be regarded as due to maltreatment. Deprivation of parcels, even if clearly established, would not in itself constitute maltreatment. On the whole, claimant has failed to establish a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

## CASE 2717—NEIL MASON

Claimant was an Imperial soldier who served as a Private in the Royal Welsh Fusiliers—Regimental No. 8217. He was a reservist who enlisted in 1904 and who came to Canada to reside in August, 1910. He rejoined his unit in August, 1914, at the age of 29 years and was taken prisoner October 25, 1914, at Ypres, unwounded. He was repatriated to England December 14, 1918. He was in receipt of Imperial pension, since discontinued, though he says he did not receive same. He was married prior to the outbreak of war and has three children. Prior to enlistment, he was employed as a painter, at 12 cents an hour and is still following this trade but cannot find employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, no medical attention while ill and forced labour while in that condition.

An analysis of the evidence reveals:—

After capture when being marched back, he stepped out of line and received a beating. At Gottingen, after a four days' journey without food, he states conditions were bad in 1914, continual hardship and abuse. He received several blows from rifle butts due to inability to understand German. Covered with boils and very weak, he was refused aid by the German doctor. The food was bad and sanitary conditions were poor at that time. In May, 1915, he was sent to the stone quarry at Weimar. He was ill and poorly clad but was forced to work and had to sleep on a stone floor with straw. Long hours of labour and continual beatings were the routine at this quarry and after six months the prisoners refused to continue at work. They were turned out of quarters which were locked against them all day and without food or drink they were readmitted at night. Sent to Cassel, their clothes were fumigated while they stood for an hour and a half without covering in the cold. This was in October. They were returned to work in the quarry but having strained his back, claimant was allowed to return to Cassel where he remained two months in hospital. After recovery, he had an easier time and in 1917 was sent to Betauson (sic) on railway work, where living conditions were better. He received a short period of solitary confinement to cells for refusal to work and was returned to Cassel. He was put on exchange for Holland but was sent to Aachen, whence he was returned to Germany and placed on a farm, where conditions were better.

Dr. A. F. Demary testified in corroboration of his certificate on file, and stated that he has known claimant since March, 1922. He finds him suffering from bronchitis, debility and nervous disorders with dilated heart. In his certificate he rates the disability up to 75 per cent.

Claimant tells a story of general abuse and privation while a prisoner, but I cannot say, from the record, that he has established any connexity between his present condition and his experiences while a prisoner. I regard his present state, as shown in medical testimony, as due to general conditions of camp life in Germany and not due to any particular maltreatment. (See general Opinion annexed to my earlier report upon maltreatment cases). His claim, if any, is purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933.

## CASE 2776—HUGH McANGUS

Claimant was a Private in the 29th Battalion—Regimental No. 76031. He enlisted November 9, 1914, at the age of 21 years and was taken prisoner April 19, 1916, suffering with shrapnel wounds in both legs. He was repatriated to England January 1, 1919. He is in receipt of a 10 per cent disability pension, amounting to \$14 per month, based on his war wounds. He was married February 7, 1919, and has three children. Prior to enlistment he was employed as a teamster at \$75 per month, and is now a truck driver averaging from five to six dollars per day when working.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a bayonet wound in the leg and of frequent headaches due to having been hit over the head.

An analysis of the evidence reveals:—

Claimant was first placed in hospital at Courtrai, where he remained until September, 1916, and has no complaints as to the treatment. At Stendal, while still on crutches, he states that a guard took his crutches from him, broke one over his neck and hit him in the mouth while he was lying on the ground. This was done without any provocation and claimant states that his leg injuries were aggravated by this assault. In the spring of 1917 he was sent to Wittenburg and then to Quedlinburg and finally to the coal mine at Merseburg. He was working in an electric tram that hauled coal and, when walking to the back of the tram, was accosted by a sentry who knocked him out by a blow on the head with his rifle. He tried to stab claimant with the bayonet and, in fending the blow, claimant's hand was injured; another lunge got him in the leg. He succeeded in getting the rifle from the sentry and knocked him out. He dared not report sick lest he be punished for striking the sentry. He received periods of confinement to cells and further beatings for being too slow at work. He now complains of deafness as the result of the blow across the head. W. P. Badenoch, a fellow-prisoner, testified as to the beating received at Stendal when claimant was on crutches. George B. Gillespie, another fellow-prisoner, testified that, though he did not actually see the beating, he saw claimant immediately afterwards and that he was in bad shape.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate only to his service wounds. No other disability is shown.

The incidents of brutality related by claimant are quite extreme. He is corroborated by a fellow prisoner as to the occurrence at Stendal, when he was hit with one of his own crutches and kicked. The more serious incident, at Merseberg, when claimant fought with a guard, was not seen by any other prisoner, the corroboration is merely as to his condition after the fight. Unfortunately for claimant, there is no medical evidence establishing any disability resulting from these experiences. It cannot be inferred that the blow on the head referred to has induced deafness, even if that condition were definitely established. Viewing the case as a whole, I am unable to reach a finding favourable to claimant. He has not discharged the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 13, 1933.



**CASE 2448—JAMES McEWEN**

Claimant served as a Private in the 8th Battalion—Regimental No. 417. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres. He did not file any claim form and was unable to appear at the sittings in Winnipeg due to being severely ill in hospital.

The medical adviser to the Commission visited him there and discovered that he makes no claim for maltreatment and appears disinclined to apply for pension. He seems to be suffering with heart trouble and I understand that his case is now being dealt with from the point of view of pension.

In view of the above, the claim, as before me, is treated as withdrawn and is therefore disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

**CASE 2691—JOHN McKENNA**

Claimant was a Private in the 14th Battalion—Regimental No. 25750. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wounds in the back, right forearm and left side. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in April, 1921, and has three children. Prior to enlistment, he was a plumbing contractor, earning about \$30 per week and is now following the same trade, at from \$10 to \$40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, exposure and a blow on the head from a rifle butt leaving a scar.

An analysis of the evidence reveals:—

Claimant was first in hospital at Giessen for two months and then placed at work in a brick yard before his wounds were entirely healed. Being unable to do the works, he states, he received a blow on the head with a rifle butt, leaving a scar. He was transferred to Senne lager and then Vehnemoor cutting reclaimed land. The living conditions were terrible he states. He injured his eyes with fertilizer and still suffers with sore eyes. He also asserts that his feet have been injured through wearing wooden shoes.

The medical record consists of a certificate by Dr. P. V. Graham, who appeared and testified that he has known claimant for some eight years and has treated him frequently for bronchitis. His certificate indicates flat feet and poor eyesight in addition to bronchitis. Claimant made a statement upon repatriation which is general in nature and deals chiefly with the working conditions imposed upon prisoners of war and the nature of the food supplied. His medical history files shown nothing unusual.

The bronchial condition of which claimant complains is probably the result of general conditions of life and work in German camps and cannot, in my view, be regarded as the result of maltreatment. Claimant's defective vision is not attributed to the blow on the head of which he speaks but to the effects of fertilizer which blew into his eyes. The evidence does not establish the connexity between the two. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, he has failed to make out a case of present disability resulting from maltreatment while a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933

**CASE 2702—HOWIE MAXWELL McKINNIE**

The claimant was an Imperial soldier, a Private in the North Staffords—Regimental No. 34893. He first came to Canada in May, 1922. He enlisted in England in May, 1915, was taken prisoner on March 31, 1918, and repatriated to England on December 15, 1918. He is married and has two children. He is not in receipt of pension. Prior to enlistment, claimant was a paper maker, earning £1/8-½ per week. He is now a mail carrier for the Government, earning \$76.50 per month.

Claimant has not completed the usual documents of claim and it was explained to him, at the hearing, that as he had not served with a Canadian unit, and only came to Canada to reside after the date of the ratification of the Treaty of Versailles, viz.: January 10, 1920, this Commission was without jurisdiction to entertain the claim. For reasons which have been set forth in general opinion annexed to my earlier report upon maltreatment cases this view is now confirmed. Reserving, therefore, to claimant all his recourses, and without dealing with the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,

OTTAWA, January 4, 1933.

*Commissioner.*

**CASE 2353—COLIN McLAINE**

Claimant was an Imperial soldier who served with the 7th Argyle and Sutherland Highlanders—Regimental No. 275377. He had enlisted in March, 1914, and was called to the colours on August 4, 1914, and served in France from June 16, 1916, until he was taken prisoner March 23, 1918. In a statutory declaration made in support of his claim and in his evidence given before me, at Vancouver, September 28, 1932, he stated he arrived in Canada in January, 1920. This statement was to have been corroborated by a letter from the steamship company, but subsequently a letter was received from claimant's solicitor, dated October 17, 1932, advising that the claimant had informed him that he did not reach Canada until July, 1920.

For reasons which have been explained in my earlier report upon maltreatment cases, only those Imperial soldiers who became resident in Canada on or previous to January 10, 1920, date of the ratification of the Treaty of Versailles, are entitled to have their claims considered by this Commission.

Reserving, therefore, to claimant all other recourses, and, without deciding the case upon its merits, the claim is disallowed for want of jurisdiction.

ERROL M. McDOUGALL,

OTTAWA, January 11, 1933.

*Commissioner.*

**CASE 2509—MURDOCH McLEAN**

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on April 14, 1915, was taken prisoner on June 2, 1916, unwounded, and repatriated to England on December 3, 1918. An application for pension appears to be pending. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to do so. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, December 28, 1932.

*Commissioner.*



**CASE 2716—WALLACE ALEXANDER McLEAN**

Claimant was a Corporal in the 15th Battalion—Regimental No. 27662. He enlisted in August, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was released to Switzerland in December, 1916. He is in receipt of a 100 per cent pension, amounting to \$75 per month, based on pulmonary tuberculosis. He is unmarried. Prior to enlistment, he was employed as a metal pattern maker, earning twenty cents per hour, and is now practically unemployed except for occasional selling activities.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, medical neglect while ill and forced labour.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen, moved to Münster, and sent out on a working party to Sterkrade, where he was quartered in an old livery stable. He contracted pleurisy due to exposure and wet, but the doctor refused to treat him and kept sending him back to work, until finally he was sent to hospital. He was discharged February, 1916, sent to Friederichsfeld, and, after two weeks, was returned to Münster. He complains that the neglect by the doctor in not removing the fluid while he was ill with pleurisy, has much to do with his present condition. There is a suggestion by claimant that he was inoculated with tuberculosis while in hospital in Germany.

Dr. G. W. McNeill testified that he has been attending claimant since 1923, and stated that he believes that less than one-third of the lung really functions, and that it is unique that he is alive with his present chest condition. He states that the fluid should have been drawn from the lung long before it was removed. He also files a certificate, indicating pulmonary tuberculosis, and substantiates claim of carelessness in the treatment for pleurisy while a prisoner. Claimant's medical history files refer to the pulmonary condition as due to privation, undernourishment and overwork while a prisoner.

Claimant contracted pleurisy while a prisoner and it seems to be his contention that had the fluid been removed, as he pretends it should, he might not now be suffering from tuberculosis. I understand that it is questionable whether fluid should be removed if there is any chance of the malady being diagnosed as tubercular. Moreover, it appears in claimant's medical history files that fluid was removed in Germany, this information apparently being based upon statements made by claimant upon repatriation. Claimant's extended statement made upon repatriation speaks well of the treatment accorded him in German hospitals. Any question of the suggested inoculation of the disease is without foundation. I have formed the clear impression that claimant has not been successful in showing any aggravation of his condition by reason of the treatment or want of treatment, given him in Germany. His case, in my opinion, is one purely for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

**CASE 2558—JOHN R. McLEOD**

Claimant was a Sapper in the 2nd Tunnelling Company—Regimental No. 503299. He enlisted in 1915, at the age of 29 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England in April, 1918. Claimant is in receipt of a 35 per cent disability pension, amounting to \$49 per month,



based upon asthma and bronchitis—emphysema. He is married and has three children. Prior to enlistment, he was a coal miner, earning between \$9 and \$10 per day. He is now a fire boss, at a wage of \$5.85.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows causing injury, exposure to the weather and confinement.

An analysis of the evidence reveals:—

Claimant has no complaints as to Dulmen camp, where he spent the first two months of his period of captivity. Sent to Essen, for refusing to work, he, with others, was made to stand to attention till he collapsed. He next went to Wahn; he was in hospital suffering from a hernia. He has no complaints in hospital and was then sent to Cassel, where he remained for the duration of the war. First, at a farm, he has no complaints, but later, at a locomotive factory, which turned out to be a munitions plant, for refusing to work, he was beaten and sustained an injury to his knee, and his nose was broken. He was moreover confined to cells and generally abused. He was later beaten again and spent the last six months in hospital. Claimant attributes a chest condition to exposure to the wet while in cells. His knee does not now trouble him.

The medical record indicates that claimant suffers from sub-acute bronchitis and bronchial asthma and tachycardia. The certificates of Drs. G. Blair Rose, Dr. J. A. Key and Dr. F. B. Day are produced, attesting the foregoing state of health. Claimant's medical history files speak of bronchitis, asthma and a heart condition, which form the basis of his pension award.

In this state of the record I do not consider that I can reach a conclusion favourable to claimant. I regard his present condition as due to general conditions of the camp life in Germany and properly the subject of pension. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2306—ROBERT GORDON McMILLAN

Claimant was a Private in the 7th Battalion—Regimental No. 16920. He enlisted in August 1914, at the age of 19 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was released to Holland in March 1918 and reached England November 18 of that year. He is not in receipt of pension, was married in 1925 and has two children. Prior to enlistment, he was employed as a garage mechanic, at about \$3.50 per day and is now on a farm at about \$40 per month, not including board.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, exposure, hard labour and a blow on the head with a rifle butt from which he now suffers recurrent headaches.

An analysis of the evidence reveals:—

Sent to Giessen, claimant was placed at work in the quarries and upon refusal to work was returned to Giessen. At Dedesheim, he became ill, due to lack of nourishment and was denied medical attention for four months. When he was finally allowed to see a doctor he was afforded hospital treatment and then given light work for six months. At Zerbst, he complains that dogs were kept for the purpose of preventing escape and these were set on the prisoners and in the rush to the barracks he was struck on the head with a rifle butt and now

carries the scar and suffers headaches and deafness in the right ear. The prisoners were not provided with sufficient bedding, had to sleep on the floors and had no fires. He developed rheumatism due to these conditions and from being forced to work in the rain. A declaration of John W. R. Menear is filed. He was a fellow prisoner and corroborates the story as to camp conditions at Giessen and Zerbst.

The medical record consists of a declaration of Dr. R. F. Greer of Vancouver to the effect that claimant suffers from inflammatory rheumatism of ankles, knees, hips, shoulders, elbows, wrists and fingers, and fixes the disability at 50 per cent. A letter from the National Hospital Association, of Portland, Oregon, indicates that claimant was treated by their Dr. W. A. Trimble for rheumatic pains in both feet, in June 1926, in July of the same year by two other doctors of their staff and in January 1927 by still two other doctors. A certificate of Dr. D. A. Davis is produced to the effect that claimant was a patient in hospital at Kimberley, B.C., in January 1930, with rheumatism, and had his tonsils removed. A letter from Dr. Greer is also filed dealing with the headaches, ear condition and rheumatism. Claimant's medical history files show nothing unusual.

Claimant's rheumatic condition is his main disability. I do not consider that he has shown that this disability results from maltreatment. It is probably the result of general camp conditions in Germany to which all prisoners were exposed, and, if properly proven, will constitute a claim for pension. The head conditions—headaches—with some impairment of hearing is ascribed to the blow on the head referred to. The extent of any disability resulting therefrom has not been established nor are the circumstances surrounding the blow explained with sufficient definiteness to permit of a finding that claimant now suffers a disability in this respect resulting from maltreatment. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2606—JAMES McPHERSON

Claimant was an Imperial soldier, who came to Canada in 1904, went back to Scotland in 1912, intending to make a holiday visit, but remained longer than he had planned and enlisted there when the war broke out. He served, as a Private, in the 6th Gordons, 51st A Company—Regimental No. 41178. He was taken prisoner April 11, 1918, near Lebassee, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension and is unmarried. Prior to the war, while in Canada, he was employed as a carpenter, at 50 cents an hour, and is now unemployed and on relief.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while ill, of beatings and general abuse.

An analysis of the evidence reveals:—

Claimant was not taken to Germany but was put to work near Lille at breaking up machinery and filling trucks and boats with the scrap, where he frequently had to stop work due to shell fire. He was beaten on one occasion when he reported sick. The food rations were scanty and the sanitary arrangements lacking, especially at Fort McDonald. He contends that he now suffers chiefly from nervousness.

The medical record consists of a certificate by Dr. Harold W. McGill, to the effect that claimant suffers "impaired cordiac muscular function resulting in vascular hypotension," loss of left eye with disability ranging from 30 per cent to 40 per cent. His medical history files are not available.



Claimant was a prisoner for eight months only, and, although he served behind the German lines, appears to have come off with comparatively little disability. His eye injury, on his own statement, was of post discharge date. A very evident sense of humour apparently stood claimant in good stead. I cannot say, from the record, that he has shown a present disability resulting from maltreatment. He complains of general nervousness which is too indefinite to permit of a finding in his favour. If established, it might be sufficient to give him entitlement to pension. On the whole, I consider that claimant has failed to discharge the burden resting upon him, and the claim must accordingly be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2635—JAMES MEARES

Claimant was a Private in the 3rd Battalion—Regimental No. 9695. He enlisted in August, 1914, at the age of 39 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married a second time in June, 1927, and has no children. Prior to enlistment, he was employed as a baggageman, earning about \$80 per month, and is now unemployed, although had been in a lumber yard averaging \$60 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a severe beating with rifles, sustaining a broken nose, loss of teeth and an injured ankle.

An analysis of the evidence reveals:—

Claimant spent a few weeks at Giessen and was then sent to the Geisweid Iron Works, where he served out the remainder of his period of captivity. He declares that immediately after capture and while en route to Roulers he received a severe beating with rifle butts by German soldiers, his nose being broken, teeth knocked out and his ankle crushed when a German cavalryman deliberately rode over him with a horse. This beating, he states, was because he tried to assist a wounded comrade by lifting him up. He was sent to hospital but states he received no medical attention there. The ankle is still weak and gives way under him periodically. He was sent to the coke ovens at Geisweid and harassed continually while attempting to work.

The medical record consists of two certificates by Dr. R. F. Greer, who did not appear before the Commission. He finds claimant's eyesight and hearing much below par and that he suffers from a disabled right ankle. Claimant's medical history files show nothing unusual. He was apparently discharged from the service as fit.

Claimant is no longer young and must expect the passing years to take their toll. The incident of being beaten after capture and deliberately trod upon by a German Uhlan, with permanent injury to his ankle, is, I think, overstated. The latter injury was probably accidental in the sense that the German was none too careful. I am inclined to think that claimant's recourse, if any, is before the Board of Pension Commissioners. Here, he has failed to discharge the burden of showing disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.



**CASE 2752—THOMAS MERCER**

Claimant was a Private in the 44th Battalion—Regimental No. 829299. He enlisted December 1, 1915, at the age of 40 years and was taken prisoner April 12, 1917, suffering from shrapnel wounds in the right forearm and hip. He was repatriated to England December 7, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a butcher, earning \$85 per month, and is now a store manager, at \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, confinement, and excessive labour, which has undermined his health.

An analysis of the evidence reveals:—

First taken to hospital at Douai, claimant's wounds were dressed and he was then transferred to hospital at Julich, where, he contends, he suffered from neglect, his wounds taking three months to heal. He was then sent to Limburg and placed at work in a camp at Engers, digging drains, piling brick and unloading coal. He states that the food was terrible and that upon refusing to work on munitions he was placed in cells and threatened with death. When released, after two days, he was placed at harder work in the smelters and could scarcely keep up with his tasks. He now suffers chiefly from nervous disorders.

The medical record consists of a certificate by Dr. I. L. Jamieson, who did not appear before the Commission. He notes the scars of claimant's service wounds and finds him suffering from nervousness and heart trouble due to his experiences while a prisoner. He fixes his disability at 70 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

There is very little evidence of harsh treatment in this record. Claimant underwent the usual privations of camp life in Germany, and for a man of his years—he is now 57—he appears to be in excellent physical condition. I cannot find that he has established present disability resulting from maltreatment, the nervousness and heart condition of which he speaks being quite general. Claimant has thus failed to discharge the burden resting upon him. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 27, 1932.

**CASE 2549—JOHN MILES**

Claimant was a Sapper in the 2nd Canadian Engineers—Regimental No. 503492. He enlisted November 25, 1915, at the age of 23 years, and was taken prisoner June 2, 1916, suffering from concussion due to shell explosions. He was repatriated to England December 14, 1918. He is in receipt of a 10 per cent disability pension, recently granted, based on neurasthenia and pyorrhea. He is unmarried. Prior to enlistment, he was employed as a sheep herder, at \$50 per month and board, and has now resumed this occupation at \$40 per month and board. He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a dislocated shoulder, the result of a blow from a rifle butt, abuse, starvation, solitary confinement and court-martial.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained for two months. Sent then to Duisburg, he worked at unloading canal barges, and received the blow in the shoulder complained of for refusal to work. It is still troublesome.

At Vanheim, he attempted to escape and was given the usual solitary confinement. Attached to Munster No. 3, he was sent to the coal mines, where he remained until the end of the war. He has no complaint as to the mines. He suffers with his heart, shoulder and bladder.

The medical record consists of the certificate of Dr. J. S. Wray, indicating "pain in left shoulder region on movement, objective signs nil," with disability rated at from 10 per cent to 25 per cent.

Claimant confines his complaint of disability resulting from maltreatment to his shoulder injury. While he may have been struck as stated, I do not think that it necessarily follows that the condition now complained of results from such blow. The evidence does not convince me that the disability is great or that it is due to the cause stated. Claimant's symptoms are purely subjective, there is no objective evidence of injury. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 21, 1932.

*Commissioner.*

### CASE 2755—CLIFFORD CLYNE MILLAR

Claimant was a Private in the 2nd Canadian Tunnelling Company—Regimental No. 503290. He enlisted February 4, 1915, at the age of 24 years and was taken prisoner June 2, 1916, at Sanctuary Wood, unwounded. He was repatriated to England December 16, 1918. He is not in receipt of pension, was married in May, 1922, and has two children. Prior to enlistment, he was a coal miner, earning an average of \$5 per day, and is now fire boss, at \$160 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been overworked in the coal mines, forced to stand to attention for long periods, confinement to cells, starvation and bad food, and of being struck with a rifle on the back and with a bayonet on the head and nose.

An analysis of the evidence reveals:—

Claimant was first sent to Dulmen, where his complaint is as to the poor food. He was soon sent to the coal mines, at Ospel No. 1, where he remained for two years and four months. He states that the mines were badly ventilated and poorly maintained and that the bosses drove them to work with rubber hose, and, in particular, forced claimant to work while unfit. When he refused to do extra labour, he was compelled to stand to attention and confined to cells. In one melee, due to refusal to work, he received cuts on the hand and nose by a bayonet and blow on the back with a rifle butt, but no serious permanent disability resulted.

No medical testimony was adduced nor any medical certificate filed. Claimant's medical history files do not show any disability. He was apparently fit upon discharge.

The record is quite incomplete in this case. There is no medical evidence of present disability. Claimant appeared to be in excellent health when he appeared before the Commission. He complained only of haemorrhoids, which he attributes to long hours standing to attention. A wound in the hand from a bayonet has left no disability. Clearly, claimant has failed to discharge the burden of showing a present disability due to maltreatment. Possibly, due to the fact that he was a miner, he came through his experiences in the coal mines practically without disability. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 27, 1932.

*Commissioner.*



**CASE 2579—ALBERT E. MILLS**

Claimant was a Private in the 50th Battalion—Regimental No. 447152. He enlisted May 27, 1915, at the age of 23 years and was taken prisoner June 3, 1917, suffering from gunshot wounds in the arm, hip and leg. He was released in Holland in August, 1918, and reached England on the 18th of that month. He is in receipt of a 60 per cent disability pension, amounting to \$49.50 per month, based on the amputation of the right leg. He is unmarried. Prior to enlistment, he was a railroad fireman, earning about \$100 per month, and is now employed as a barber but only on part time, earning \$4 to \$10 per week.

He alleges that while held prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and abuse.

An analysis of the evidence reveals:—

Claimant was a stretcher case, when captured, and his leg, which had been shattered, was removed immediately. At Aachen, in hospital, he states the treatment was bad and the dressings neglected. He contends that the amputation was improperly performed by the German surgeon. He remained in hospital during the entire period of his captivity and complains of beatings, which tore the flesh off the stump of his leg.

The medical record consists of a certificate by (doctor's name indecipherable) referring to the amputation and fixing the disability at 50 per cent. Claimant's medical history files show prolonged hospital treatment extending from date of repatriation until January, 1920.

Claimant's complaint is that his wounded leg did not receive proper surgical attention, and that, had he received better treatment, his disability would not now be so great as it is. The evidence does not substantiate this contention. It was clearly necessary to amputate what remained of his leg and the record does not disclose that there was any surgical or medical neglect at the time of the operation or thereafter. The case is purely one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner*

OTTAWA, December 21, 1932.

**CASE 2526—ROBERT MORLEY**

Claimant was a Private in the 7th Battalion—Regimental No. 16663. He enlisted in August, 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right foot. He was repatriated to England December 21, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$30 per month, based on the wound in the right foot and amputation of three toes and arthritis of the great right toe. He was married in May, 1926, and has four children. Prior to enlistment, he was employed as a boiler-maker, at \$150 per month, and is now unemployed, his last job being as a steel-worker, earning up to \$150 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an operation without anaesthetic, of being beaten with a horsewhip while lying wounded, that he sustained a rupture while engaged in heavy labour, starvation, confinement, and a blow in the back of the neck with a bayonet.

An analysis of the evidence reveals:—

While travelling to Germany, as a stretcher case, claimant relates that at Ohrdruf station he was horsewhipped by a German civilian, while lying wounded



in an open truck. In the lazaret at Ohrdruf he was operated upon without anaesthetic and three toes were amputated. While working on a farm, using wheelbarrows, he states he sustained a rupture in the left side due to pushing heavy barrows. If unable to do the required work, the farmer would confine him for three days in a cellar on bread and water. At Cassel, he was employed at cutting wood, and, being unable to keep up with the required loads, he was transferred to Langensalza, whence he was placed on another farm. Here, while unloading hay, he reported sick and the sentry drew his bayonet, struck claimant on the side of the head, knocking him down. He was then left for ten days in a wet cellar. He then began to notice that he was deaf.

Dr. W. C. Walsh appeared and testified that he examined the claimant and found him quite deaf, nervous, and attributes the deafness to the blow with the bayonet followed by the dampness in the cellar from which he caught cold. His certificate on file indicates a fine scar, 2 inches long, on left side of neck just below tip of mastoid process, which would show evidence of being wounded by a bayonet.

A report from military headquarters is filed which recites "there are no entries on hospitalization cards, medical case sheets, or medical boards, nor on regimental documents, which would indicate that this man had a scar on the back of his neck, resulting from a bayonet wound and causing deafness." The Pensions and National Health file of this ex-soldier has also been examined and no mention is made of this scar on his neck. Further, in his own statements, Morley has at no time mentioned this disability or made claim for pension or treatment on account of this wound or for deafness.

Claimant's explanation of the manner in which his deafness arose is not convincing. I am inclined to think that this condition was induced by an infection which has nothing to do with the blow referred to. While claimant was roughly treated, I do not think that the record establishes any connexity between his present state of health and maltreatment. I regard his case as purely pensionable in nature. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2633—ARCHIBALD MORRISON

The claimant was an Imperial soldier, a Private in the Argyle and Sutherland Highlanders—Regimental No. 8772. He came to Canada to reside for the first time in September, 1920. He enlisted in August, 1914, was taken prisoner on August 27, 1914, unwounded, and repatriated to England in November, 1918. He is not in receipt of pension. He is married and has two children. Prior to enlistment, claimant was a street car conductor, earning 27 shillings per week. He is now a foundry helper, at \$3.80 per day.

It was explained to claimant at the hearing that, as an Imperial soldier who first came to Canada in September, 1920, he was without right before this Commission. It is only in the cases of Imperial soldiers who were resident in Canada previous to January 10, 1920, date of ratification of the Treaty of Versailles, that this Commission has jurisdiction to entertain their claims (See my earlier report upon maltreatment cases). Reserving, therefore, to claimant all his recourses, and, without deciding the case upon its merits, the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

**CASE 2747—THOMAS MICHAEL MULLINS**

Claimant was a Corporal in the 7th Battalion—Regimental No. 16576. He enlisted in September, 1914, at the age of 34 years and was taken prisoner on April 24, 1915, at the second battle of Ypres, unwounded but suffering from gas. He was repatriated in March, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$11.25 per month, based upon defective hearing. He is unmarried. Prior to enlistment, claimant was a marine fireman, earning \$50 per month. He has been unemployed for two years.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that having been certified as unfit for transfer to Switzerland, he was not permitted to go and was compelled to work. He suffers from a chest condition.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, and complains only of the food. Sent out to a chemical plant near Frankfurt, he suffered from the fumes. Unable to stand this work, he was returned to Giessen and sent on to Oberlanstein, where he worked in the freight sheds. Suffering with his chest, he received no medical attention and complains of the long hours of work. Sent back to Giessen, he was passed for the Swiss Commission as unfit, sent to Mulheim, awaiting transfer, but was then sent to Zerst for 1½ years. He was not made to work and has no complaints of maltreatment, except as to general neglect and, in particular, failure to treat his ears, which were running. A number of certificates have been filed testifying highly to claimant's character.

The medical record indicates that claimant suffers from defective hearing and apparently had tuberculosis at one time, which appears to have been arrested. He is stated to be 75 per cent disabled. Dr. MacCallum, who certifies to the foregoing, did not appear before the Commission. A certificate of Dr. D. M. Baillie is also produced, containing a diagnosis of chronic bronchitis—mediastinitis, with the statement that the condition probably results from service.

Claimant told a very straightforward story of his experiences in Germany. The ear condition, for which he receives pension, cannot be ascribed to maltreatment whilst a prisoner. It was of service origin. Nor do I think that claimant has been successful in showing that the bronchial condition from which he suffers is to be ascribed to maltreatment. It is more the result of general conditions of camp life in Germany. On the whole, claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 9, 1933.

*Commissioner.*

**CASE 2765—GEORGE McLEAN MUNRO**

The claimant was a Private with the 16th Battalion—Regimental No. 429226. He enlisted in March, 1915, with the 47th, at the age of 21 years, and was taken prisoner on October 1, 1918, wounded in the right thigh. He was repatriated to England in December, 1918. Claimant is in receipt of a 15 per cent disability pension, based upon his leg injury. He is unmarried. Prior to enlistment, he was employed as a bank clerk, earning about \$58 per month. He is now unemployed but has worked in the mines.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his wounds were inadequately and improperly attended, which has resulted in aggravated disability.



An analysis of the evidence reveals:

Claimant was a prisoner for about 2½ months, which time he spent at Valenciennes and Gustrow. He confines his complaint to the lack of treatment for his wound, which became septic. He alleges that the wound was then improperly probed with what he describes as a "metal probe." This is alleged to have injured the bone, necessitating operations when claimant returned home. Claimant does not complain of any particular physical abuse but stresses the lack of medical treatment. Apparently claimant had an accident while working in the mines after discharge, but whether the injury then sustained aggravated his condition has not been made clear.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant relies upon his medical history files as showing his disability. These reveal nothing unusual, the disabled thigh, for which he is in receipt of pension, being referred to, with some neurosis, following an accident to the hand, post discharge.

Claimant has failed to show in what manner the treatment he received has aggravated his disability. His leg was dressed and apparently he received some surgical attention. It is quite impossible to infer, from the record, that he was the victim of any malpractice which has left him with a greater disability than he would otherwise have had. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim is purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 6, 1933.

### CASE 2639—ERNEST NOBLE

Claimant was a Lance Corporal in the 29th Battalion—Regimental No. 76150. He enlisted in January, 1915, at the age of 34 years, and was taken prisoner on April 19, 1916, wounded above the left eye. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in 1919 and has one child. Prior to enlistment, claimant was a carpenter, earning \$4.50 per day. He is now unemployed but when working as a carpenter earns about \$1 per hour.

Claimant alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He has not filed the usual statement of claim, but has produced an affidavit containing a statement of the maltreatment upon which he relies.

An analysis of the evidence reveals:—

Claimant does not complain of his treatment at field dressing stations nor at Courtrai. At a stone quarry, he complains of being made to stand to attention for long periods during three weeks and confinement to cells for refusal to work. Claimant tells a confused story of an attack by guards when the prisoners struck and he was apparently hit over the head by a guard with his fist. During the melee, claimant threw a couple of guards down stairs. He was beaten in cells and tried by court-martial at Friederichsfeld. Sentenced to death, upon appeal, the sentence was reduced to six years' imprisonment. Copy and translation of the court-martial sentence is filed showing confirmation of a sentence for "insubordination in the field," term of imprisonment unstated. He served seven months of this sentence in Cologne gaol. As a result of his experiences, he suffers from nervousness and a general run-down condition.



The medical record indicates that claimant suffers from "debility, insomnia, headaches, praecordial pain, dizziness and inability to work at any elevation." His percentage of disability is stated at from 50 per cent to 90 per cent. Dr. Colin MacDiarmid, who certifies to the foregoing, did not appear before the Commission. There is also filed certificate of Dr. O. S. Large, certifying to a condition of neurasthenia, sleeplessness, irritability, morbidness and loss of weight. Claimant's medical history files show nothing unusual.

Claimant's condition of neurasthenia is quite general in nature and such as would be probable to result, as in the case of other prisoners, from conditions of camp life in Germany. On the evidence, I cannot say that the court-martial which claimant underwent was so unfair and unjustified as to constitute maltreatment. It evidently arose out of a more or less serious disturbance amongst the prisoners. On the whole, I consider that claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 10, 1933.

*Commissioner.*

### CASE 2283—ALBERT H. NURSE

Notice of claim on behalf of the claimant was received from the Canadian Legion at Ottawa, in January, 1931. The usual claim forms were sent him, but have not been returned. Filed with the application are copies of affidavits purporting to have been executed by two fellow-prisoners, from which it would appear that claimant enlisted with the 8th Battalion, Canadian Expeditionary Forces, and was taken prisoner on April 24, 1918, and spent some time at Munster camp and in a camp on the Russian front. Claimant's military record shows that an application for pension is pending before the Board of Pension Commissioners, based on neurasthenia, myositis, neuritis and bronchitis. The medical record discloses that upon discharge all systems were found normal.

Claimant was notified to appear before the Commission at its Ottawa sessions on July 27, 1932, but failed to do so. The record discloses no communication from the claimant and no effort on his part to press or substantiate his claim. In these circumstances, the claim fails and must be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, February 9, 1933.

*Commissioner.*

### CASE 2379—EDWARD O'CONNOR

Claimant was a Private in the 44th Battalion—Regimental No. 820509. He enlisted April 4, 1916, at the age of 29 years, was taken prisoner August 23, 1917, unwounded, and was repatriated to England on December 7, 1918. He is not in receipt of a pension, was married November 10, 1919, and has five children. Prior to enlistment, he was employed as locomotive fireman, earning \$140 per month and is now a clerk in the Civil Service of Canada, at a salary of \$1,728 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines and that he was struck on the hand with a shovel by a miner in charge. The blow split open his hand. He received frequent blows with pick handles, and another blow on the leg with a rifle butt, which disabled him for some time and still troubles him.

An analysis of the evidence reveals:—

Claimant was first taken to Douai and sent on to Dulmen camp. He has no complaints of his treatment at either place, but was not so fortunate at the coal mines near Essen, where he spent the remainder of his period of captivity. He encountered the usual rough usage; had his hand split open by a shovel in the hands of a guard, and upon another occasion was hit on the leg by a guard when he interfered with the punishment being meted out to another prisoner. Although this latter wound troubled him at the time, claimant does not suffer any disability therefrom at the present time but fears operative treatment may yet be necessary and it is because of this apprehension that he now asserts a claim. He has not consulted a physician for ten years and is apparently in good condition.

Claimant has produced no medical evidence and declares that he is unable to do so. His medical history files show nothing unusual. A suspected heart condition was later found to be groundless.

Claimant told his story in a very frank and convincing manner, but in the absence of evidence of a present disability from a medical point of view, it is impossible for me to speculate upon a possible disability which may arise in the future. Should occasion arise, I have no doubt that claimant will receive consideration at the hands of the Pension Commissioners. The claim fails before this Commission and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 15, 1932.

*Commissioner.*

#### CASE 1985—WILLIAM AGAR O'GRADY

Claimant enlisted as a Lieutenant in the 8th Battalion, and held that rank when taken prisoner on April 24, 1915, at the second battle of Ypres. When captured he was wounded in the right leg and arm. He was transferred to Switzerland, as medically unfit, on August 11, 1916. He is in receipt of a 40 per cent disability pension, based upon the wound in his leg.

The claim is unusual in that no claim is made for disability resulting from maltreatment. Claimant merely seeks to recover the amount which he was compelled to pay for a room which he occupied, in hospital, at Paderborn, from April, 1915, to February, 1916—the amount being stated at \$180.

Filed with claimant's medical history files is a very complete statement made by claimant upon repatriation. The recital of claimant's experiences in Germany, from the time of capture to his exchange to Switzerland, is most interesting. Far from charging the Germans with maltreatment, he speaks of his treatment and that of other prisoners, as excellent, and praises the German medical and surgical services. Every consideration would appear to have been extended to claimant. He declares that the Canadians were particularly well treated, in this differing from the stories told by the great majority of claimants heard before the Commission.

The claim, as presented, seeking to recover a sum of money illegally charged to him whilst a prisoner, cannot be maintained. It appears from the statement made by him that he voluntarily agreed to make the payment in question and was quite satisfied with the arrangement made. I do not think that a charge so made and accepted is to be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles. Had the money been extorted under threats of abuse, the situation might have been different. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 6, 1933.

*Commissioner.*



**CASE 2739—WILLIAM O'ROURKE**

Claimant was a Lance Corporal in the 2nd Battalion—Regimental No. 8013. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension, was married in May 1920 and has no children. Prior to enlistment, he was employed as a telephone linesman, at \$2.75 per day, and is now a city fireman, at \$95 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of stomach disorders and constipation due to under-nourishment, and confinement while a prisoner.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp during the entire period of his captivity. He worked at Geisweid in the iron works and complains only of the food. He was returned to camp, having added another stripe to his tunic and was placed in the post office. In the spring of 1918, he was moved to a farm. Previously he received 24 days' cells for an attempt to escape. He sustained very little brutal treatment other than 10 hours drill per day in wooden sabots and an occasional kick or blow. The record contains a declaration by W. J. Phillips, Chief of the Fire Department at Sault Ste. Marie, Ontario, to the effect that claimant has to be given light duty due to his condition and weak back. A declaration by Thos. A. Hynes, who has known claimant for 20 years, states that he does not enjoy the robust health he possessed before the war.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. A. Sinclair, indicating gastritis and constipation, with disability from 50 per cent to 75 per cent. Claimant's medical history files show nothing which indicates disabilities resulting from maltreatment.

This case presents practically no features of maltreatment in the way of physical abuse. Claimant appears to have been very fairly treated by his captors. His disabilities at the present time are purely nutritional in origin and do not give rise to an award for reparations. For reasons which have been explained in general opinion annexed to my earlier report upon maltreatment cases, conditions of camp life in Germany unless aggravated by special circumstances are not to be regarded as maltreatment. The mere fact that claimant was held as a prisoner does not entitle him to an award. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

**CASE 2645—GEORGE E. ORR**

Claimant was a Private in the 7th Battalion—Regimental No. 17155. He enlisted in August, 1914, at the age of 28 years, and was taken prisoner April 24, 1915, wounded in the back (bayonet). He was repatriated to England in December, 1918. He is not in receipt of pension; was married in September, 1921, and has one child. Prior to enlistment, he was a farmer, earning \$3.50 per day, and now operates a small farm and works for the British Columbia Nurseries, earning \$72 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten into unconsciousness, hard labour in the stone quarries, exposure to the weather, which has resulted in neuritis and lumbago.



An analysis of the evidence reveals:—

Claimant declares that immediately after capture he was beaten and injured by his captors while being made to drag a machine gun. Sent on to Giessen, claimant complains of the cruel and rough treatment of his wounds by the doctor and alleges that septic poisoning resulted therefrom which laid him up for nine months. He was then sent out to work in the stone quarries where the food was insufficient, the work heavy and the abuse general. He speaks of being made to work in wet weather without change of clothing. He remained here over two years and also worked in a nearby factory, when, finally he was sent to a small farm where conditions were better. To these experiences claimant attributes a condition of neuritis and lumbago.

The medical record indicates that claimant is "subject to attacks of lumbago and neuritis if he overworks or exposes himself to inclement weather." His percentage of disability is stated at 20 per cent in his own calling and at 15 per cent in the general labour market. Dr. R. McCaffrey, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. It is significant that claimant has not applied for pension, because he does not regard himself as seriously disabled.

In this state of the record it is impossible to reach a finding in claimant's favour. Whatever disability he may suffer as the result of his experiences in Germany can only be ascribed to general camp conditions and cannot be regarded as maltreatment (See general Opinion annexed to my earlier report upon maltreatment cases). Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim, if any, is elsewhere. The claim is accordingly disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 6, 1933.

*Commissioner.*

#### **CASE 2446—ARTHUR JAMES PALMER**

Claimant was a Private in the 8th Battalion—Regimental No. 92. He enlisted in August, 1914, at the age of 24 years and was taken prisoner April 26, 1915, during the second battle of Ypres, unwounded, but gassed. He was repatriated to England December 30, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on neurasthenia, flat feet and bronchitis. He is unmarried. Prior to enlistment, he was employed as an elevator operator, earning \$13 per week and is now a packer of sashes and doors, at about \$30 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor food, exposure, general ill treatment and an injury to his back.

An analysis of the evidence reveals:

Taken to Roulers, claimant was transferred to Munster No. 1, where he has no complaints. At Gutersloh a short time, he was then sent to Dulmen, thence to some of the Munster works, where, for refusing to work he was compelled to stand to attention in the rain and was denied food. He was then moved to Dulmen and Niedershalden, where he took sick and was placed in hospital but received no treatment. He was next returned to Munster and put at work attending horses. He was subjected to general rough usage. Finally, he arrived at Wurzburg, in Bavaria, and was placed on farm work. Here he was sent to hospital for an operation and was ordered out of bed three days later. For refusing to get up, he was given two weeks' solitary confinement. He stresses this as the worst incident of maltreatment received, together with being forced to work while ill. He now suffers from lumbago, heart disorders, stomach and chest conditions.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files, upon discharge, show "all systems normal," except the respiratory system.

Claimant was subjected to rough usage of a general nature, but I do not consider that he has established that his present disabilities result from maltreatment. If a chest and neurasthenic condition exists, it must be held to result from general condition of camp life in Germany (See general Opinion annexed to my earlier report upon maltreatment cases). Claimant's case is covered by action of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2786—WILLIAM JOHN PALMER

Claimant was a Private in the 3rd Canadian Mounted Rifles—Regimental No. 108449. He enlisted on the January 13, 1915, at the age of 26 years and was taken prisoner on the 2nd of June, 1916, unwounded. At the time of capture he was deaf, having been injured two months before by shell shock. He was repatriated to England on November 27, 1918. He is in receipt of 60 per cent disability pension, amounting to \$69 a month based upon deafness, rheumatism and heart trouble. Claimant is married and has two children, one adopted. Prior to enlistment, he was employed as teamster in a lumber camp, earning \$2.50 a day. He is now janitor in a school, at a salary of \$58 a month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard work, exposure to the weather, and accidental injury to his finger and aggravation of his impaired hearing due to lack of medical treatment.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained about five months and has no complaint as to the treatment. He was then sent out on a working party to Oberhausen where he remained until the Armistice. His ears were running, but he was denied medical attention and declares that he was knocked about on several occasions for not working fast enough, but does not complain of any particular physical brutality. He complains that working in the wet brought on a condition of rheumatism from which he still suffers and adds that no change of clothing was supplied for the prisoners. He has dizzy spells and suffers from his heart.

The medical record indicates that claimant suffers chiefly from rheumatism and heart trouble which is attributed to lack of proper food, hard work, exposure, and lessened resistance. His percentage of disability is stated at 70 per cent. Dr. Oliver Boyd, who certifies to the foregoing, did not appear before the Commission. Claimant also files certificate of Dr. Howard C. Dixon, referring to treatment given claimant for heart condition and rheumatism since 1927, as also for defective hearing. Claimant's medical history files refer to the conditions above noted.

Claimant's deafness preceded the time of his capture and I do not think the record discloses that this condition became aggravated from any lack of treatment or maltreatment while a prisoner. His remaining disabilities would appear to be the result of work and general conditions of camp life in Germany. For reasons which have been explained in my earlier reports upon



maltreatment cases, I do not consider that such disability is to be regarded as the result of maltreatment. Claimant's recourse is clearly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 12, 1933.

*Commissioner.*

### CASE 2616—ALFRED CHARLES PEARCE

Claimant enlisted in South Africa and served with the South African Scottish Battalion, overseas Regimental No. 6103, with the rank of Sergeant. He was born in England March 29, 1883, and enlisted in August, 1914, at the age of 31 years. He was taken prisoner March 23, 1918, wounded with shrapnel in the side, spine and leg. He was repatriated to England December 3, 1918, and arrived in Canada to take up residence March 20, 1920. He is not now in receipt of a pension, although he had been receiving 20 per cent disability from the South African Government, amounting to 8 shillings per week. It was increased to 60 per cent, giving him \$30 per month, but was discontinued. He was married in July, 1917, and has one child. Prior to enlistment, he was employed as an hotel clerk, at £6 per week and board, and since discharge, has been a grocery clerk and earned up to \$24 per week but had to abandon this work, on account of ill health, and he is now unemployed.

Claimant is without right before this Commission, because he became resident in Canada after January 10, 1920. As explained in earlier Opinions annexed to my previous reports, that date was fixed as constitutive of jurisdiction, being the date upon which the Treaty of Versailles was ratified. Claimant's recourse, if any, is elsewhere. Reserving to him all other recourses, and, without deciding the case upon its merits, the claim must be disallowed for want of jurisdiction.

ERROL M. McDOUGALL,

OTTAWA, December 13, 1932.

*Commissioner.*

### CASE 2781—ARTHUR MARK PEARCE

Claimant was a Private in the First C.M.R.—Regimental No. 424415. He enlisted in December, 1914, at the age of 27 years and was taken prisoner on June 2, 1916, suffering from shrapnel wounds in the back. He was repatriated to England on November 16, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed on delivery work, earning \$15 per week. He is now unemployed, but was engaged at the C.P.R. freight sheds at Transecona, at the rate of 50 cents per hour.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He has not filed any statement of claim or other documents.

An analysis of the evidence reveals:—

After some medical attention behind the lines, claimant was sent to Cassel, where he remained two months in hospital. Before his wounds had healed, he was sent out to a farm and has no complaints of the treatment. He was then sent to the coal mines at Dusseldorf, where he remained for 22 months picking coal and working underground. He complains of the long hours, general rough treatment and beatings. He was forced to work when unfit and complains generally that he was considerably maltreated. He received no attention for an injured foot and was finally sent to Friedrichsfeld about six months before the Armistice. He complains that he suffers from his stomach which he defines as "fallen stomach."



There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, claimant appearing to have been discharged without disability.

The record is quite incomplete in this case and it is impossible to reach a finding in claimant's favour. His experiences in the coal mines, while undoubtedly harsh, have not been shown to have resulted in any permanent disability. His stomach condition, if it causes disability, is, I consider, properly a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 21, 1932.

*Commissioner.*

### CASE 2568—HUGH WHITE PHILLIPS

Claimant was a Private in the King's Own Lancashire Regiment—an Imperial unit. He first enlisted in October 1910, and went overseas with the 12th brigade, Fourth Division—Regimental No. 1697. He was taken prisoner May 8, 1915, at Ypres, and was repatriated December 30, 1918. He is not in receipt of pension and is unmarried. He did not come to Canada to reside until June, 1920, and it was explained to him that this Commission had no jurisdiction to entertain the claim as he had not established residence in Canada prior to January 10, 1920, the date constitutive of jurisdiction (See my earlier reports dealing with the question of jurisdiction).

Reserving to claimant all other recourses, and, without deciding the case upon its merits, the claim must be disallowed as far as this Commission is concerned.

ERROL M. McDOUGALL,

OTTAWA, January 13, 1933.

*Commissioner.*

### CASE 2758—ALFRED W. PHILP

Claimant was a Private in the 4th C.M.R.—Regimental No. 144827. He enlisted August 16, 1915, at the age of 19 years and was taken prisoner June 2, 1916, suffering with a slight flesh wound in the left hip. He was repatriated to England January 16, 1919. He is not in receipt of pension. Prior to enlistment, he was a machinist apprentice, earning about \$40 per month and is now unemployed but is a railway machinist by trade, earning about \$130 per month when at work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains chiefly of an injury to his head due to a beating with rifle butts and now suffers practically continuous headaches, periodic fits and dizzy spells.

An analysis of the evidence reveals:—

First at Dulmen for about two months claimant makes no complaint. He then spent a year at Minden working on a canal. Here he received a week's confinement for addressing a civilian and 21 days further cells for no apparent reason. His next experience was at Loeberg coal mines where he spent more than a year, working under ground. The usual conditions prevailed and for making attempts to escape claimant was given solitary confinement and on one occasion was struck over the head with a rifle for not moving fast enough. This blow has had permanent after effects. He suffers from dizzy spells and headaches. In August, 1918, he was sent to Friederichsfeld and in October to German Poland where he was kept until New Year's Eve.

No medical certificate is filed—claimant referring to his pension and medical history files. These show nothing unusual. He was discharged from the service as fit.

The record in this case is incomplete. There is no medical evidence establishing a present disability. Claimant's mere statement that the blow he received on the head has left him with dizzy spells and headaches is not conclusive. He appears to have been roughly handled but I do not consider that the record discloses a permanent disability resulting from maltreatment. The claim has not been established and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

### CASE 2795—FRANK HOWARD PILLAR

Claimant was a Private in the 3rd Battalion—Regimental No. 9710. He enlisted in August, 1914, at the age of 16 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England in December, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based upon sinusitis. He is married and has no children. Prior to enlistment, he was a student. He is now unemployed but has been an Investigator for the Federal Laboratories, Pittsburgh, at a salary of \$225 per month and expenses.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He has not completed the usual statement of claim, but in a special memorandum speaks of arduous and degrading work, confinement to cells, exposure in wet weather, beatings, denial of medical treatment, starvation, and in particular of a blow from a rifle butt over the eye, causing permanent injury.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, and sent out to a farm, where the work was heavy and the food scarce. Later sent to Lichtenhorst, for three months, he has no complaints. He was then sent to Vordenemoor, where he remained for the duration of the war. He complains of being made to work in the water, and was struck in the face with the butt of a rifle for not working satisfactorily. After some time at Osnabruck and Alhorn, claimant was sent to work in a clay pit where he was again hit over the head by a guard and knocked unconscious. For attempted escapes, claimant received the usual confinement to cells, and seems to have spent time at Saltau and Munster. Claimant complains of headaches, nervousness and impaired eyesight. Claimant made a detailed statement upon repatriation, which refers only to maltreatment to one, Keenan. He makes no mention of any maltreatment to himself. He has also filed the certificates of a number of relatives and friends, attesting chiefly to constant headaches complained of by claimant since his return. He also files a certificate from a fellow prisoner (Kittredge) corroborating the fact of the blows on the head referred to by claimant.

The medical record consists of the testimony of Dr. A. C. Ricker, who first attended claimant in 1920. He speaks of a condition of frontal sinus and general inflammation of the throat and is inclined to connect the present condition with the treatment received by claimant as told to him. Dr. T. T. Samis files a certificate, certifying to some impairment of vision (apparently corrected by glasses). A dental certificate is also produced, attesting some injury to the jaw which is inferred to have resulted from a blow.



Claimant's pension and medical history files cast considerable doubt as to the story related by claimant before this Commission. I am quite unconvinced that claimant's disabilities, whatever they may be, are the result of maltreatment whilst a prisoner. I consider that his claim is properly one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

OTTAWA, January 18, 1933.

ERROL M. McDOUGALL,  
*Commissioner.*

### CASE 2792—SAMUEL PLATTS

Claimant was a Private in the 75th Battalion—Regimental No. 642737. He enlisted September 29, 1915, at the age of 17 years and was taken prisoner August 15, 1917, suffering from gunshot wounds in the legs, chest and back. He was released to Holland August 17, 1918. He is in receipt of a 45 per cent disability pension, amounting to \$71.75 per month for himself and family, based on his war wounds, bronchitis and pyelitis. He was married in September, 1923, and has five children. Prior to enlistment, he was an apprentice blacksmith, earning \$75 per year with keep and quarters and is now a radio inspector with salary not fixed as yet.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment, physical abuse and a blow on the head which has affected his hearing.

An analysis of the evidence reveals:—

Claimant was a hospital patient during his entire period of captivity. First in hospital at Mons, he states he lay for two or three days before he saw the doctor and 14 days later he was taken for operation to set his leg. He was given no anaesthetic at first but he made such a fuss that it was finally administered. Paper bandages were used but they did not stay on and he states that he was driven crazy with the irritation of his wounds, and an orderly, in a fit of exasperation, threw a big cup at him striking him on the right side of the head, causing permanent injury to his ears. The leg had to be broken and reset, this time without anaesthetic, a spike being driven through the knee. He contracted dysentery but could get no medical attention and for the resultant trouble which he caused, was given much rough handling. He was transferred to another hospital at Trier for a month and completed his period of captivity at Schneidemuhl, in hospital. His chief present complaint is as to the ear trouble and his chest.

The medical record consists of certificates by Dr. R. E. Ives and R. C. Shaver neither of whom appeared before the Commission. Dr. Ives certifies as to weakness, irritability and a chronic discharge from the ears, with disability rated at 80 per cent. Dr. Shaver reports concerning the ears and finds that the hearing is reduced to about 5 per cent. Both drums are inflamed and pus exudes therefrom. The military medical record is on file and goes, in great detail, into claimant's condition.

Claimant complains chiefly of his deafness as resulting from maltreatment. At the hearing, he did not appear to be as deaf as the medical certificates indicate. I am unconvinced that the origin of this trouble is to be ascribed to the blow on the head from a cup, to which claimant attributes it. It is more likely the result of an infection, which has not been explained. Claimant's statement upon repatriation made no reference to this injury and is, moreover, in several respects at variance with the testimony he gave before the Commission. On the whole, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment while a prisoner. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

OTTAWA, January 18, 1933.

ERROL M. McDOUGALL,  
*Commissioner.*



**CASE 2533—FRANK POTTER**

Claimant was a Private in the 2nd Battalion—Regimental No. 8243. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in July, 1920, and has no children. Prior to enlistment, he was employed as an engine wiper, earning about \$50 per month and is now a switchman, at about \$750 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to drill and work while ill, and that he was beaten and starved.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where, while suffering from the effects of gas, he was compelled to fall in on parades and physical exercise just as though he were fit. He was also knocked about generally. He was beaten by a civilian, while on a working party, and knocked unconscious. At Ostenholtzen-moor, he was placed on the moors and if unable to complete a specified task, was beaten. He was then transferred to a sugar factory, at Brunswick, where the work was hard and the food poor. Finally, he was sent to Linden, where he worked in a salt factory under similar conditions. He now suffers from nervous disorders. The file contains a certificate from the Brotherhood of Locomotive Firemen and Engineers to the effect that claimant was incapacitated from work from January 26, 1927, practically until April 20, 1927, and drew sick benefits from the lodge.

The medical record consists of a certificate from Dr. E. P. Scarlett, who finds claimant subject to periods of nervous attacks, suffers from dizziness, weakness and prostration, with disability estimated at 10 per cent. His medical history files are apparently not available.

Claimant was subjected to the usual rough treatment and privation of German prison camps but has not been successful in showing that his experiences have left any permanent disability. The general nervous condition of which he speaks may have resulted from the strain of his period of captivity and the denial of proper nourishment, but, as explained in general opinion annexed to my earlier report upon maltreatment cases, I do not consider that this treatment is to be regarded as maltreatment under the provisions of the Treaty of Versailles. Claimant's recourse, if any, is elsewhere. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

**CASE 2718—GEORGE POUNTNEY**

Claimant was a Private in the 52nd Battalion—Regimental No. 163659. He enlisted August 6, 1915, at the age of 25 years, and was taken prisoner November 14, 1917, unwounded. He was repatriated to England January 4, 1919. He is not in receipt of pension, was married in March, 1916, and has no children. Prior to enlistment, he was employed as a labourer, earning about 30 cents an hour and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows causing permanent injury and periods of standing to attention.

An analysis of the evidence reveals:—

While at work shovelling cinders at Dyrotz, claimant was struck in the mouth by a guard, with a rifle butt, knocking out a tooth, and, on another occasion, while taking potato peelings a guard knocked him down twice with a club and he received another blow with a rifle while stooping making tea, which causes him pain up to the present. He complains further of lack of sanitary arrangements in the quarters and of the cold. On another occasion, for refusing to work on a Sunday, he, with others, was compelled to stand to attention in six inches of snow until he was chilled. He contends that he has contracted arthritis as the result. G. H. Rothwell, a fellow prisoner, testified that he knew claimant in Germany and witnessed the blows received by him when taking the potato peelings and when stooping over to make tea.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. D. Perlman, indicating pain in lower part of spine and in the right shoulder. He amplifies this by a further certificate diagnosing the pains as being arthritic in character and likely due to infected teeth and tonsils. A certificate by Dr. A. J. Swanson of Toronto Western Hospital is filed, stating that claimant was a patient in April, 1926, for chronic tonsillitis, complained of pain at right angle of right scapula and high in epigastrium. A certificate is also filed by Dr. James Cotton regarding pains associated with bones of the back due to arthritic change associated with rheumatic infection from the throat. Claimant's medical history files refer to the arthritic condition, which, however, was not found to be pensionable.

It has not been shown that claimant's arthritis results from any maltreatment to which he was subjected while in Germany. It is quite probably the result, as suggested by the medical certificates, of infection arising from the teeth or throat. It would be too remote to ascribe any such condition to maltreatment while a prisoner. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

### CASE 1980—HOWARD RAY POWER

Claimant was a Private in the 25th Battalion—Regimental No. 733354. He enlisted December 14, 1915, at the age of 20 years and was taken prisoner April 28, 1917, suffering from gunshot wound in the right arm. He was repatriated to England January 12, 1919. He is not in receipt of a pension, was married August 5, 1920, and has four children. Prior to enlistment, he was engaged in farming with his father, earning \$2,500 per annum. He is now farming for himself but has a hard time making ends meet.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten and forced to work while ill and given poor food.

An analysis of the evidence reveals:—

Claimant was first taken to Langensalza and transferred to Dulmen and Munster. He complains that his wound was not treated and alleges general ill treatment. At a bread factory, he was forced to work piling bales of straw, with one hand, due to his wounded arm and was beaten for being unable to carry on. He was sent to Parchim, where he contracted dysentery and received no medical treatment and was later at a potato factory where, though ill, he was compelled to work. He protests at being made to work on Sunday. Next

sent to another factory and to a farm, he complains of the hard work, that he was locked up for not working fast enough and was detained and made to work after the Armistice had been declared. He complains that he has trouble with his stomach and nerves.

The medical evidence indicates that claimant suffers from a slight injury to his fingers due to his original wound and some stomach disorder. The physician (name indecipherable) who certifies to the foregoing, gives claimant a percentage of disability of 20 per cent. Claimant's medical history files show nothing unusual. He was discharged as fit.

Claimant's complaints of disability are very general and his account of his experiences in Germany does not, in my opinion, establish maltreatment which would result in any condition which he now advances. He was subjected to general conditions of camp life and has failed to discharge the burden of showing a present disability resulting from the treatment accorded him. His claim, if any, is a matter for the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 17, 1932.

### CASE 2785—WILLIAM T. PRATT

The claimant was a Private in the 28th Battalion—Regimental No. 81990. He enlisted in June, 1915, with the 32nd Battalion, at the age of 24 years and was taken prisoner on June 6, 1916, slightly wounded in the right side of the head. He was repatriated to England in December, 1918. Claimant is not in receipt of pension. He is married and has no children. Prior to enlistment, he was engaged in farming, at a salary of from \$30 to \$35 a month. He is now employed in the Post Office as a postal clerk, at a salary of \$1,680 per annum.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He did not complete the usual documents of claim, but complains that general ill-treatment has resulted in physical disability.

An analysis of the evidence reveals:—

Claimant was first taken to Courtrai, followed by the City of Hanover and has no complaint of his treatment. He was sent on to Celle and Ruthenmoor (sic), where he complains only of the poor food. He was then sent to a farm where he completed his period of captivity. He complains of general abuse, blows from rifles and imprisonment in cells, but does not appear to have received any physical injuries leaving disability. In general, he speaks of his treatment while a farmer as fair. Claimant suffers from nervousness and has an impediment in his speech which he attributes to general rough usage while held a prisoner. He suffers also from rheumatism.

There is no medical evidence of record, not even the usual certificate of a physician, and claimant admitted at the hearing that he was in fairly good condition. His medical history files show nothing unusual; he was apparently discharged as fit.

In this state of the record it is clearly impossible to reach a conclusion in claimant's favour. The recital of maltreatment does not disclose any particular brutality and claimant has not shown that he now suffers any disability resulting from his experiences while a prisoner. He has thus failed to discharge the burden resting upon him. The claim must accordingly be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 12, 1933.



**CASE 2336—CHARLES A. PROCUNIER**

Notice of claim was received from the above named claimant in April, 1931. The usual documents of claim were sent him but have never been returned completed. No information is available as to the grounds of claim. His attorneys appeared on his behalf at the Toronto sessions of the Commission on April 19, 1932, and requested a delay to complete the record. Claimant was given a further notice to appear on July 27, 1932, at Ottawa, but failed to do so. His attorneys advised that claimant did not desire to press the claim. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

**CASE 2719—ROBERT RAYNHAM**

Claimant was a Private in the 4th C.M.R.—Regimental No. 109563. He enlisted in November, 1914, at the age of 27 years, was taken prisoner on June 2, 1916, unwounded. He was repatriated to England in November, 1918. Claimant is in receipt of a 20 per cent disability pension, amounting to \$26 per month for wife and family, based upon bronchitis, pleuritis and emphysema, neurosis. He is married and has two children. Prior to enlistment, he was a labourer with the Grand Trunk Railway Company, earning about \$15 per week. He is now a motorman with the Toronto Transportation Commission, earning from \$20 to \$25 per week.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure to the weather, denial of medical attention, blows from the sentries and confinement to cells.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen, via Menin, and has no complaints of his treatment there. He appears also to have spent time at Minden, Saltau, Hanover and Hameln camps. Claimant tells a non-consecutive story and appeared to be much confused in his relation of details of imprisonment. He was beaten by the guards for refusing to work but was finally driven to resume. For assisting in the escape of a prisoner, claimant was given punishment work, was beaten by guards and for attempting to avoid punishment was confined in cells for 14 days. He spent 6 weeks in hospital for a chest condition and speaks of the treatment as good. At Bohmte, he received 5 days' cells for smoking while passing the Commandant, and was also punched by a guard. As a result of these experiences, claimant declares that he suffers from nervousness, bronchitis, pleuritis, emphysema and conjunctivitis.

The medical record indicate that claimant suffers from chronic bronchitis, emphysema, deflected nasal septum, conjunctivitis and nervousness. His percentage of disability is stated at 100 per cent in his own calling and at 25 per cent in the general labour market. Dr. George Carleton, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files attribute claimant's neurathenic condition only to his experiences in Germany.

In this state of the record, I do not think that I am justified in reaching a conclusion favourable to claimant. The evidence of maltreatment is quite general and the connexity between his present condition and such treatment has

not been shown. His health may have suffered because of general conditions of camp life, but, for reasons which have been explained in my earlier report on maltreatment cases, this cannot be said to result from maltreatment. Claimant's recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commisisoner.*

OTTAWA, January 17, 1933.

### CASE 2631—THOMAS GORDON REEVES

Claimant was a Private in the 3rd C.M.R.—Regimental No. 108481. He enlisted January 7, 1915, at the age of 21 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$15 per month for himself and family, based on disability to the left wrist. He is married and has four children. Prior to enlistment, claimant was farming for himself and is at present engaged in the same occupation.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while working at an iron works, his left wrist was crushed and smashed due to carelessness and neglect in being made to work in a dangerous place notwithstanding his protests.

An analysis of the evidence reveals:—

Claimant was sent to Giessen camp. He confines his complaint of maltreatment to an incident which occurred at a working commando, out of Giessen, at Siegen. While shovelling iron ore into trolley cars, on night shift, at the foot of an embankment which was poorly lighted and dangerous because of the lumps of ore which were thrown down, his left wrist was hit and fractured. Claimant and others had already vainly remonstrated with the guards that the work was dangerous, but they were driven to continue working. He was taken to barracks, received some medical attention, but never recovered the use of his hand, which leaves him with a permanent disability and incapacitates him in his work. Claimant's remaining experiences in Germany are without particular incident. He was excused work, due to his injured wrist.

The medical record indicates that claimant has sustained a "fracture of the wrist—deformity resulting—with large callous probably incorporating radial nerve with consequent loss of power in the hand." His percentage of disability is stated at from 25 per cent to 30 per cent. Dr. Carmichael of Strome, Alta., who certifies to the foregoing, did not appear before the Commission. Apart from the injury complained of claimant's medical history files show nothing unusual. Affidavits of three fellow prisoners have been filed, testifying to the fact of the injury as reported to them by claimant.

It is clearly proven that claimant was injured in the manner stated, but I do not consider that I would be justified in finding that this constituted maltreatment. The injury was accidental, and, however careless the guards may have been in failing to protect the prisoners from injury, I do not think that such omission on their part—amounting perhaps to negligence—can be termed maltreatment, within the meaning of the relevant sections of the Treaty of Versailles. Claimant's recourse is clearly before the Board of Pension Commissioners. This Commission has nothing to do with recommendation suggesting increased pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 6, 1933.

**CASE 2727—WILLIAM S. REYNOLDS**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113511. He enlisted in August, 1915, at the age of 23 years, and was taken prisoner June 2, 1916, wounded in the back and ankle with shrapnel. He was repatriated to England in January, 1919. He is not in receipt of pension, but is on Veteran's allowance, amounting to \$40 per month. He is married and has five children. Prior to enlistment, claimant was a cook superintendent with the Grand Trunk Railway, earning \$70 per month and his keep. He is now unemployed, but was a press operator in a rubber plant, at from \$110 to \$125 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper food, insanitary sleeping quarters, long working hours and denial of medical attention.

An analysis of the evidence reveals:—

Claimant received some medical attention for his wounds at Courtrai, where he spent the first 3 weeks after capture. Taken to Stendal, he remained there for the duration of the war. For refusing to work because his wounds were not healed, he was given 3 weeks confinement to cells. Set at digging graves, claimant was transferred to a sugar factory and to work on a canal, where his health broke down and he was sent to hospital for 6 weeks. Upon discharge, he was sent to a farm where he complains of the long hours of work in his debilitated condition. He was not particularly brutalized but was denied medical attention. His complaint is that his health has been undermined by the general hard work on improper and inadequate diet.

The medical record indicates that claimant suffers from pulmonary tuberculosis and is disabled to the extent of 100 per cent. Dr. H. T. Veitch, who certifies to the foregoing, also appeared before the Commission. He confirms the diagnosis contained in his certificate, but is unable to say what may have been the cause of the trouble. Claimant's medical history files refer to the condition as suspected but his examination upon discharge showed no disability.

General conditions of camp life in Germany may have resulted in the condition from which claimant is now said to suffer. There is no particular record of maltreatment and I do not consider that claimant has shown that maltreatment has induced his present state of health (see Opinion annexed to my earlier report upon maltreatment cases). I regard claimant's case as purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

**CASE 2773—REGINALD H. RICHARDS**

Claimant was a Private in the 27th Battalion—Regimental No. 71423. He enlisted in August, 1914, at the age of 22 years and was taken prisoner in April, 1916, suffering from a bullet wound in the arm and a blow on the head. He was repatriated to England in November, 1918. Claimant is not now in receipt of pension, although, upon discharge, he was granted \$5 a month for six months, based upon an injury to his hand. Claimant recently became naturalized as a citizen of the United States. Prior to enlistment, he was employed as a railroad fireman, with the Canadian Pacific Railway, at a salary of \$125 a month. He is now unemployed but, when working, is engaged as a fireman, at a salary of about \$80 a month.



Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. Claimant has not completed the usual documents of claim, the entire record consisting of his testimony taken before the Commission, at Seattle, on October 2, 1932.

An analysis of the evidence reveals:—

Claimant was taken to Giessen, where he remained about six weeks, without particular incident. His wounds were dressed and he refers to the treatment as fair. He was then sent to Hagar (sic), where he remained for eighteen months working in a stone quarry. He refers to the living conditions as particularly bad and complains that he was beaten for insubordination. Apparently claimant considered it his duty to give his captors as much trouble as possible. For an attempted escape he was tried and sentenced to a punishment camp for three months. The work was heavy and the hours long. He declares that he was chained up in a narrow cell for minor breaches of discipline and seemed to be singled out for particularly harsh treatment. Claimant stresses chiefly general rough usage and complains that he seemed to have been a marked man, but this was probably due to his unwillingness to comply with orders. He admits that he can trace no present disability to his experiences in Germany and appeared to be in excellent health at the hearing. Claimant's hand was accidentally injured while working in the quarries, but he apparently suffers no disability therefrom at the present time. Claimant's testimony leaves the very distinct impression that he was truculent as a prisoner and invited most of the ill treatment which he received.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show that he suffered a nerve injury to the left hand, leaving some weakness, but this is indicated as being of accidental origin and apparently leaves little disability at the present time.

In this state of the record it is impossible to reach a conclusion in claimant's favour. There is no medical evidence establishing any present disability resulting from maltreatment. Claimant has thus failed to discharge the burden resting upon him and the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 12, 1933.

### CASE 2515—THOMAS R. RICHARDS

Claimant was a Private in the Royal Canadian Regiment—Regimental No. 478554. He enlisted in September, 1915, at the age of 25 years, and was taken prisoner October 8, 1916. He was repatriated to England December 4, 1918. He is not in receipt of a pension. He applied for forms November 14, 1931, which were forwarded to him on the 20th of that month. They have not been completed and returned. Claimant was notified to appear before the Commission for hearing, at Truro, on Friday, June 17, 1932, but failed to appear. His absence has not been explained. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

**CASE 2511—ROBERT REGINALD RICHARDSON**

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files it would appear that claimant was an officer, who was seconded to the R.F.C. in July, 1917. He was wounded when captured. No other information is available. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to appear. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 29, 1932.

**CASE 2622—HAROLD RILEY**

Claimant was a Private in the Royal Canadian Rifles—Regimental No. 454394. He enlisted June 26, 1915, at the age of 18 years and was taken prisoner October 8, 1916, unwounded. He was repatriated to England December 3, 1918. He is not in receipt of pension, was married in June, 1923, and has four children. Prior to enlistment, he was a painter, earning \$7 per week and is now unemployed although he has followed his trade since discharge, earning up to 80 cents an hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, forced labour in the coal mines while ill, and of being beaten.

An analysis of the evidence reveals:—

Taken first to Dulmen, claimant remained three weeks and was transferred to a coal mine near Essen. He remained here during the most of his period of captivity, working underground exposed to cold and wet. He strained his back in lifting a truck on the track, reported sick, but was compelled to continue at work, and, for refusing to comply, received a beating. He was placed in hospital and had to lie on the floor some three weeks and was then transferred to Dulmen city hospital, where after six weeks, he recovered. He was placed at light work in the cook house but states that he still felt sick and once while late for parade he received blows and kicks, one injuring his knee. He was in hospital another week after this. He now complains of frequent pains in the back and chest and in the shin bone.

No medical evidence was adduced at the hearing but claimant was questioned by the medical adviser to the Commission. The record consists of a certificate by Dr. H. M. Allin, indicating chronic hypertrophic rheumatoid arthritis and mitral stenosis. He fixes the disability at from 25 per cent to 50 per cent. Claimant's medical history files show nothing unusual.

Claimant's recollection of his experiences in Germany is very vague and his recital thereof most casual. His present complaints are general and I do not think the record justifies a finding that he was subjected to maltreatment while a prisoner which has resulted in disability. It would require a more explicit statement from claimant to substantiate any such claim. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

NOTE: To avoid confusion, it should be noted that this case was disallowed in the previous report, due to the failure of claimant to appear. The case was later heard at further sessions of the Commission.

**CASE 2453—HARRY R. RODGERS**

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that claimant enlisted on March 16, 1915, was taken prisoner on September 17, 1916, unwounded, and repatriated to England on December 16, 1918. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to do so. The Commission was advised by the Winnipeg Command of the Canadian Legion that claimant could not be located. The claim must, accordingly, be disallowed, for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 29, 1932.

**CASE 2569—HOWARD RODGERS**

Claimant was a Private in the 14th Battalion—Regimental No. 3081663. He enlisted on January 1, 1918, at the age of 29 years, and was taken prisoner September 5, 1918, wounded in the left shin bone and gassed, although his medical history files declare that he was unwounded. He was repatriated to England on December 11, 1918. He is not in receipt of pension, but has an application pending. Prior to enlistment, claimant was a mechanic, earning \$7 per day. Since discharge he has had no permanent employment and earns very little.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour and starvation while held behind the lines.

Claimant did not appear before the Commission, but in statement submitted he states that he received no medical attention for his wounds, was employed behind the German lines, digging trenches and dragging wagons. He, with other prisoners, was starved. For refusing to work, he was tied to wagon wheels, at night, in such a way that he could not lie down. He suffered with his eyesight and could scarcely see and had pains in his head. He complains of exposure to the cold with consequent injury to his health.

The medical record indicates that claimant suffers from "emphysema, coughs—in the morning—is short of breath on exertion—". His percentage of disability is stated at 50 per cent in his own calling and 100 per cent in the general labour market. Dr. R. R. Hughes, who certifies to the foregoing, adds that claimant's sight is somewhat impaired and his hearing defective, but cannot say if these disablements are due to service. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

The record in this case is quite inadequate to base an award. Claimant was a prisoner for a short time only and even though he was compelled to work behind the lines, I do not find evidence to support the conclusion that he now suffers a disability resulting from maltreatment. The Commission did not have the advantage of questioning the claimant and I have reached the conclusion that he has failed to make out a case. The claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 24, 1933.



**CASE 2443—WALTER ROGERS**

Claimant was a Private in the 8th Battalion—Regimental No. 1080. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right thigh and gas. He was repatriated to England December 14, 1918. He is not now in receipt of pension, but was after discharge, and lost it through his own neglect. He has an application pending for reinstatement. He was married in July, 1921, and has three children. Prior to enlistment, he was employed as a tinsmith, earning \$1,000 per annum and is now following the same trade and earning up to \$800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours at hard labour, lack of food and confinement.

An analysis of the evidence reveals:—

Claimant was first placed in hospital near Paderborn where he remained three months until his wound had healed. He was then sent to Senne lager, where his chief complaint is of confinement, as punishment for foraging for food. After four months, he was sent to Kalwelke (sic), and placed at digging sewers for an airdrome. Here the work was very hard; starvation diet and confinement for an attempted escape were his lot. He now suffers from nerves and heart disorders to such an extent that he cannot climb and this interferes with his trade.

The medical record consists of a certificate by Dr. J. S. Clark of Brandon, indicating that claimant suffers from defective vision, pains in the left shoulder and neck, stomach pains. He fixes the disability at 50 per cent. Claimant's medical history files indicate nervous disorders, defective vision.

A summary of claimant's complaint is that he was made to work when he was unfit because of lack of food, which has resulted in injury to his heart and nerves. His vision is also impaired. The evidence of record covers general incidents of harsh treatment, not however amounting to such maltreatment as would account for any permanent disability. The claim in my opinion, is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

**CASE 2006—BENJAMIN CLEMENT ST. GERMAIN**

Claimant was a Private in the 2nd Battalion—Regimental No. 7909. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 24, 1915, suffering from gunshot wound in the right temple, and gas. He escaped to Holland, in October, 1918, and was repatriated to England on December 18th of that year. He is not in receipt of a pension. He is a widower with four children, the eldest being eleven years of age. Prior to enlistment, he was employed as a delivery clerk, earning \$14.50 per week and is now in business for himself.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement at a stone quarry, with no food for five or six days, received no medical treatment while ill with influenza for two months. He also received one bad beating with rifle butts. He is now subject to influenza every winter.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp and spent about one year there and at attached commandos. He has no particular complaints, except as to the food. In the stone quarries he does not speak of any particular brutality. Removed then to Lichtenhorst, where he remained for about 1½ years, he refers to the treatment as "not too bad." He was then sent to Bompote, via Saltau, and eventually reached Schweigerhoff, where he worked upon an Estate. He refers to one incident of maltreatment only, when he was knocked out of his bunk and beaten. He also complains that, when ill with the flu, he received no medical attention. As a result of these experiences, claimant says that he suffers every winter with colds and flu.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant declared that he could not procure any such evidence. His medical history files show nothing unusual. He is declared to have been fit on discharge.

In the absence of medical evidence establishing disability, the claim cannot be allowed. Moreover, it is evident from the record that the claimant was not subjected to any particular maltreatment. The mere fact that he was a prisoner of war and made to undergo the general conditions of camp life in Germany—harsh though they may have been—does not entitle him to an award. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 18, 1932.

#### CASE 2445—ALFRED SAMBROOK

Claimant was a Private in the 8th Battalion—Regimental No. 924. He enlisted in August, 1914, at the age of 31 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wound in the left elbow and from gas. He was repatriated to England November 24, 1918. He is not in receipt of a pension and is unmarried. Prior to enlistment, he was a salesman at the stock yards, earning \$100 per month and states he has had no job since his discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his left arm while working in a gas works.

An analysis of the evidence reveals:—

Claimant was attached to Munster and states he received several beatings for refusal to work in the coal mines, salt works and coke ovens. Working near Essen, he injured his elbow which was crushed between cable cars. This was the same elbow which was wounded at the time of capture. He gives but little or no detail in his testimony and does not state that the injury was other than accidental.

No medical evidence was adduced at the hearing and no certificate has been filed. Claimant's medical history files show nothing unusual. At time of discharge, claimant made no mention of his elbow injury and the Board of Pension Commissioners has not accepted the elbow condition as resulting from alleged injury in Germany. Apparently the first complaint of elbow injury was made in October, 1930.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. His story was most confused and he should perhaps receive consideration elsewhere for a mental condition. As far as this Commission is concerned, claimant has failed to show a present disability resulting from maltreatment. The elbow injury of which he alone complains, has not been shown to be the result of maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.



**CASE 2447—THOMAS WILLIAM SANDELLS**

Claimant was a Private in the 8th Battalion—Regimental No. 905. He enlisted in August, 1914, at the age of 20 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England, December 1, 1918. He is not in receipt of pension, his application having been rejected. He was married in 1922 but is separated from his wife, there is one child. Prior to enlistment, he was an hotel bell boy, earning up to \$12 per day and is now unemployed although he had been with a circus company.

He alleges that while a prisoner he was subject to maltreatment which has resulted in pecuniary damage to him. He complains of stomach and chest disorders and a rupture due to his ill treatment in Germany.

An analysis of the evidence reveals:—

Claimant was first taken to Munster and was transferred to Senne lager in November, 1915. At Munster, he contracted scabies and was placed in hospital and given a salve to use. At Senne, his complaint is chiefly as to the food. He was next sent to Dulmen, where he spent more than a year. He was ill with stomach trouble but received no medical treatment. This was followed by two months at Schniedemuhl and four months at a sugar factory at Monterey (sic.). Here, he was given solitary confinement for refusing to work. He injured his head unloading coal but received no treatment. Finally, while working on a farm, he ruptured himself lifting a sack of grain. He was sent back to Schneidemuhl from the farm and remained there until the Armistice. He attributes his chest condition to the dampness in the dungeon where he was confined while working at the sugar factory.

The medical record is meagre and consists of a certificate by Dr. Wm. Creighton, who did not appear before the Commission. Dr. Creighton never attended the claimant other than to examine him for the purpose of issuing a certificate. He finds him suffering with bronchiectasis and that he had a gastro-enterostomy performed for duodenal ulcer, by the Mayo brothers in 1927. He was unable to demonstrate a hernia. He fixes the disability at 20 per cent. Claimant's medical history files show nothing unusual. The condition of bronchiectasis and peptic ulcer is referred to.

Claimant's experiences in Germany were quite general as to rough treatment and I cannot find evidence of any particular maltreatment which has resulted in permanent injury to his health. His stomach disorders, whatever they may be, must be regarded as nutritional in origin and no case has been made out on the head of neglected hernia. The bronchial condition is of too general a nature to base an award. Claimant may or may not be entitled to pension. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

**CASE 2641—JAMES SCOTT**

Claimant was an Imperial soldier, who served with the Royal Irish Rifles—Regimental No. 16996. He was taken prisoner on July 4, 1916, on the Somme, unwounded. He was repatriated to England in December, 1918, and was in receipt of an Imperial pension, now discontinued, based upon rheumatism. It developed, at the hearing, the claimant first came to Canada to reside in August, 1920, and it was explained to him that, for reasons fully explained in my earlier report upon maltreatment cases, this Commission was without jurisdiction to entertain claims of Imperial soldiers who became resident in Canada after



January 10, 1920, date of the ratification of the Treaty of Versailles. This view is now confirmed. Reserving to claimant all recourses he may have, and, without dealing with the case upon its merits, the claim must be disallowed for want of jurisdiction.

ERROL M. McDOUGALL,

OTTAWA, December 28, 1932.

*Commissioner.*

### CASE 2412—JOHN ARMSTRONG SCOTT

Claimant was a Private in the 8th Battalion—Regimental No. 10. He enlisted in August, 1914, at the age of 34 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with gunshot wounds in the left lung, right thigh, in the mouth and left arm. He escaped from Germany October 24, 1917, and reached Holland. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on chronic nephritis, with cardio-sclerosis and tuberculosis, with bronchitis. He was married in January, 1918, but his wife left him. There are no children. Prior to enlistment, he was engaged in labouring work, earning up to \$60 per month and board and since discharge he held various positions but has been unemployed for over a year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten, starved, confined to cells and compelled to work in the coal mines for seven months under conditions of brutality.

The record is lengthy and consists of two copies of the *Saturday Evening Post* containing articles by the claimant as to his experiences as a prisoner. He states these were toned down so as not to cause anxiety to persons who, at the time, had relatives still in the hands of the enemy. A declaration made by Thomas Stewart, a fellow prisoner, corroborates his story. A declaration of James Orr, a fellow prisoner in the coal mines, corroborates conditions.

An analysis of the evidence reveals:—

Severely wounded, claimant was taken to Roulers, placed with others in a box car, and, after a long journey reached Paderborn, where, for three months he received hospital treatment. Upon discharge from hospital, and weak from loss of blood, he was sent to Senne lager, where he was placed at work felling trees. Being unable to carry on at Bleickenstein, he refused to work and was returned to Senne lager and court-martialled. Taken ill with pleurisy before trial he was placed in hospital for about five months. Next, he was sent to Stendal and was returned for the court-martial for refusing to work and inciting mutiny. He was sentenced to 21 days and served 14 days in an overheated cell. He was released due to his illness. After some time spent at Minden and Lindhorst, a further confinement to cells in March, 1917, claimant was sent to the coal mines, at Westerholt, where he received numerous beatings, was over-worked and finally given a job on the surface and, with an English prisoner, contrived to escape into Holland in October of that year. Upon arrival in England, claimant made a lengthy statement to the authorities, which is more moderate in tone than his story as now presented.

The medical record consists only of his military medical sheets, no other certificate being filed. These indicate a condition of debility upon discharge. To quote "Looks in rather poor condition—is nervous—breathlessness on slight exertion as climbing flight of stairs. Can walk three miles at own pace. Sleeplessness—due to waking up with start and bad dreams. . . . He has moderately hardened arteries and slight arcus senilis. Other systems normal."

Claimant was examined at the hospital in Winnipeg. He is a most prolific writer and, in addition to his testimony, he has furnished the Commission with a full written account of his experiences. Add to this the story he wrote for the *Saturday Evening Post* and a very full statement made by claimant upon repatriation and it will be seen that there is no dearth of material before the

Commission. I cannot say that the evidence is entirely satisfactory. The various stories told, while in the main fairly consistent, leave much to be desired as to their detailed accuracy and I am left with the conviction that claimant's experiences have lost nothing in the telling. Particularly is this so upon comparing his testimony with the story told upon repatriation. On the whole and after very careful consideration, I have reached the conclusion that claimant's case is one for the consideration of the Board of Pension Commissioners. I do not consider that claimant has succeeded in showing a present disability resulting from maltreatment. Whatever disability he has sustained I would ascribe to general conditions of camp life in Germany. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 27, 1932.

### CASE 2656—LESLIE GORDON SCOTT

Claimant was a Private in the 7th Battalion—Regimental No. 16933. He enlisted in September, 1914, at the age of 23 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, bruised but unwounded. He was repatriated to England December 27, 1918. He is not in receipt of a pension, was married in July, 1921, and has two children. Prior to enlistment, he was employed as a foreman carpenter, at \$5 per day, and is now engaged in the same trade, as contractor, at an average of \$150 per month when able to work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, long hours, beatings, confinement, starvation, exposure, unsanitary conditions, being tied to posts and of being injured by having bricks thrown at him.

An analysis of the evidence reveals:—

First, at Giessen, the food was scarce and, being weak through starvation, claimant was unable to do heavy work in the stone quarries and was beaten with rifles and given punishment for 16 days. At Frankfurt-on-Main, he again collapsed from overwork, was beaten, and was sent to hospital. At Vehnemoor, in January, 1916, while working on the moors he was taken out and tied to a post from 7 a.m. until 1 o'clock. He was nearly frozen. At Schwaneburg, in March, 1916, he complains of overcrowding, lack of sanitary conveniences and vermin. He received another beating here and was again sent to hospital. Next, at Saltau, he states that food rations were poor and while in punishment camp, at Loburg, he was sent down to clean a well and, because he ignored a remark from the guard, the latter threw bricks down at him, injuring his head and shoulder. Claimant alleges that throughout his entire period of captivity he was a marked man and, due to a reputation acquired through inability to work, he was harassed, beaten and subjected to continual punishment.

Thomas Mercer, chiropractor, testified that he had treated claimant since 1925 for stomach disorders due to bad food, lack of food, nerve strain and mental anxiety. In a certificate supplied, he fixes the disability at from 25 to 45 per cent. A declaration as to residence in Canada, by C. F. Dawson, is filed. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

In this state of the record it is impossible for me to reach a finding in claimant's favour. There is no medical evidence of record establishing a present disability. The statement filed and testimony given, purporting to be medical, cannot be accepted. Claimant's testimony speaks of rough usage but, in the absence of evidence of disability, I do not consider that I am justified in granting him an award. I regard his case as one for the consideration of the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 5, 1933.



**CASE 2444—JAMES B. SCUTTER**

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on March 25, 1915, was taken prisoner on June 2, 1916, unwounded, and repatriated to England on November 30, 1918. Claimant was notified to appear before the Commission at its sessions in Toronto on April 28, 1932, and again at Winnipeg, on September 14, 1932, but failed to appear. His defaults have remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 29, 1932.

**CASE 2301—THOMAS SHAW**

Claimant was a Private in the 15th Battalion—Regimental No. 46543. He enlisted September 22, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 28, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a coal miner, earning \$2 per day and is still engaged in the same employment, at \$4 per day, but only manages to get work about one day per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, confinement for refusing to work, stoppage of parcels and exposure while at work on the moors, where his feet were frozen. He now suffers from bronchitis, neuralgia and stomach trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he complains of denial of medical treatment for a stomach condition. Sent out to work at an ore mine. he refused to do the work and received 6 weeks confinement. He was next sent to Rumpenheim (sic), thence to Vehnemoor and put to work digging ditches in the water. He remained here 18 months and suffered with neuralgia and had his feet frozen. He does not complain particularly of brutal treatment but stresses the lack of any medical attention. Claimant was then sent to a farm where he describes the treatment as good. He suffers from persistent cough and stomach trouble.

The medical evidence indicates that claimant suffers from bronchitis and sore feet, with indigestion. He was treated in 1921, by Dr. D. W. Archibald, for gastritis and bronchitis, according to certificate filed. Dr. Archibald did not appear before the Commission. Claimant's medical history files show nothing unusual. He was discharged from the service as fit.

In this state of the record it is impossible to reach a finding in claimant's favour. His disability, if any, is nutritional in origin, and, as explained in general opinion annexed to my earlier report upon maltreatment cases, such conditions cannot be regarded as resulting from maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim before this Commission fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 15, 1932.



**CASE 2787—THOMAS SHEPPARD**

Claimant served as a Sergeant with the Imperial Forces, the First Royal Welsh Fusiliers—Regimental No. 6392. Claimant was resident in Canada previous to the war and was called to the colours in August, 1914, rejoining his old unit. He was then age 34 years. He was taken prisoner on the 30th of October, 1915, at Ypres, wounded in the arm, and was repatriated to Holland on February 16, 1918. He was in receipt of Imperial pension until September 1, 1920, based upon his wounds and bronchial trouble. Claimant was married before the war and has five children. Prior to enlistment, he was a gas engineer, at a salary of about \$80 a month. He has attempted to carry on at the same occupation since his return, but is unable to continue.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries received after being wounded while lying on a stretcher at Lille, resulting in a hip disability.

An analysis of the evidence reveals:—

Claimant was first taken to Munster, where he was in hospital for about eight months and was moved to Minden, where he also received treatment for his wounds. He complains that the bullets were removed from his arm without anaesthetic. He stresses the treatment received while lying on a stretcher at Lille station. Here, a number of German soldiers, who appeared to be intoxicated, attacked claimant while lying helpless on the stretcher, kicking him on both hips. He contends that this resulted in a bone injury to the hip. Claimant does not complain of any physical brutality at Munster camp after he was released from hospital, but was still suffering from his injuries and starvation. He was then sent to Dulmen, where he remained until the Armistice. Being an N.C.O. he was not required to work and the treatment at Dulmen was fair. His chief complaint centres around the incident shortly after capture, resulting in hip and stomach injury from which he still suffers. Claimant has not clearly explained the incident at Lille. He has not shown why he should be a stretcher case, unless there was some injury to his legs. His account of this incident is somewhat confused. He had been practically buried at the time of capture and it is quite probable that his legs were injured.

The medical record indicates that claimant suffers from a left oblique inguinal hernia, right hip joint movements restricted slightly, loss of practically all his teeth and some chest affection. His percentage of disability is stated at 35 per cent in his own calling and at from 60 per cent to 75 per cent in the general labour market. Dr. H. Gordon Young, who certifies to the foregoing, did not appear before the Commission and, unfortunately, the certificate given by him is very difficult to decipher. Claimant's medical history files refer to a wound in the right arm with some chest trouble and neurasthenia, stomach trouble and a spinal affection.

Claimant was evidently in great distress at the hearing and told a very frank, if somewhat confused, story of his experiences while held a prisoner. I am not, however, convinced that the disabilities from which he now suffers result from the incident of maltreatment which he particularly stresses, namely, the beating he received while lying on a stretcher at Lille. It strikes me that his wounds must have been much more considerable than he believes and that his present disabilities are in large measure due to such original wounds. On the whole, and with great reluctance, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His case is clearly pensionable in nature. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 12, 1933.

**CASE 2777—LORNE RALPH SINCLAIR**

The claimant was a Lieutenant in the Royal Flying Corps. He enlisted on June 12, 1917, at the age of 18 years. He was taken prisoner May 14, 1918, both his legs being broken in the crash of his airplane when it was brought down. He was repatriated to England November 30, 1918. He was in receipt of a pension (British) but commuted it. He was married in 1920, and has one child, aged 3 years. Previous to enlistment, he was a High School student. He is now carrying on the profession of Chartered Accountant, at a salary of \$200 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that the injury to his right leg was aggravated by the treatment he received, with the result that he has not the full use of it.

An analysis of the evidence reveals:—

Claimant spent his 6 months captivity in Cologne hospital and later at Karlsruhe. He complains of inefficient surgical attention in that improper methods were used in applying extension to his broken leg. He declares that a metal hook was drawn through the pelvic bones for the purpose of giving extension and preventing shortening of the leg. When released the wound had healed and it was only some time later that it broke open, due, according to claimant, to infection brought about by the use of this metal hook. In the result there is a permanent shortening of one inch, which, however, I am informed is not unusual in femur cases.

The medical record indicates that claimant bears "scars over right ilium near crest which prevents his sleeping on right side; the right leg is one inch short and had recurring infection with discharge 7 months after fracture which continued for five or six months." Dr. F. P. Patterson, who certifies to the foregoing rates claimant's disability at 10 per cent. Dr. Patterson also appeared before the Commission and expressed the opinion that the method of surgery adopted was unusual and, in his opinion, not proper. Claimant's medical history files relate to the injury.

I am informed that the practice of applying extension in the manner described by claimant, while not now in general use, is known to medical science. However drastic it may have been, I cannot say, from the record, that it constituted malpractice. At the worst it could be regarded as the exercise of poor judgment on the part of the surgeon. It does not follow that the use of a metal hook would necessarily involve infection in the wound. I consider, also, that if Dr. Patterson now estimates claimant's disability at 10 per cent, it can hardly be said that this is not a substantial recovery by claimant. On the whole, I consider that claimant has failed to establish maltreatment resulting in permanent disability. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.

**CASE 2735—CAPTAIN ERIC S. SKEAD**

Claimant was a Lieutenant in the First C.M.R. He obtained his commission in May, 1915, at the age of 22 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in the left chest, left arm and back, and right knee smashed by shell fire. He was released to Switzerland in December, 1917, and reached England, December 23, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$17.25 per month, based on his own wound in the



chest and arthritis in the right knee. He was married August 13, 1928, and has no children. Prior to enlistment, he was a timber estimator and culler, earning \$120 per month, and is at present unemployed but previously carried on his own business as lumber contractor but failed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, confinement to cells for long periods as a reprisal prisoner, and that he was beaten with rifles, kicked and struck with fists while still suffering the effects of his war wounds.

An analysis of the evidence reveals:—

Claimant spent time at a number of German hospitals and prison camps, viz: Mainz Nieburg, Kennuel, Festi, Rosenberg, Kronach, Crefeld, Schwarmstedt, Oldenburg, Holzminden and Helldenburg. His complaint is that he was unjustifiably confined to cells, apparently without reason, by way of reprisal and that he incurred the particular antipathy of the notorious camp commandant Niemeyer, who did everything to make his life miserable. These confinements were imposed upon him when he was still weak from the effects of his wounds and the result is that he now suffers from stomach disorders and bronchitis. While in cells, he declares that he was beaten by Niemeyer. He complains that his condition was aggravated by failure to give him medical attention for an attack of dysentery. Corroboration of claimant's statements as to reprisal confinement is furnished by the affidavit of General Victor H. S. Williams.

The medical evidence indicates that claimant suffers from gastritis and bronchitis. His percentage of disability is stated at from 10 per cent to 50 per cent. Dr. F. J. Scully, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files relate only to his service wounds, for which he is in receipt of pension.

I do not consider that the record justifies a finding in claimant's favour. Claimant's pension and medical history files appear to indicate that whatever disability he now suffers is of service origin and cannot be attributed to maltreatment whilst a prisoner. He may have been unjustly, even harshly treated, but I do not consider that he has discharged the burden of showing a present disability resulting from maltreatment. Claimant's recourse is properly before the Board of Pension Commissioners. Before this Commission, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

### CASE 2562—CHARLES FREDERICK SMITH

Claimant was a Private in the 4th C.M.R.—Regimental No. 113554. He enlisted July 21, 1915, at the age of 19 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 20, 1918. He had been in receipt of a pension, amounting to \$25 per month, which has been discontinued. He was married in November, 1921, and has two children. Prior to enlistment, he was attending school and is now employed as janitor-fireman, at approximately \$1,000 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a blow with a rifle butt in the back of the neck; that he was compelled to stand at attention facing the sun bareheaded, for days, and given bread and water for refusing to work on munitions. Later, for an attempted escape, he received a blow in the face breaking the nose. He now suffers with nerves and general impairment of health.



An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he spent three months. He complains of one incident, when he was hit over the back with the butt of a rifle and knocked unconscious. This was for not arising in the morning. No permanent disability has resulted. Sent on to Munster No. 3, Dusseldorf, and a coal mine in Saxony, he complains of the heavy work, long hours and punishment for refusing to work on munitions by being made to stand to attention, uncovered, in the sun for hours at a time. On another occasion he was struck across the face with a cane in the hands of an officer, breaking the nose. This was for refusing to divulge the name of a fellow prisoner who had tried to escape with claimant. He now suffers from nervousness and complains of a mental condition. His nose disability is insignificant.

The medical record is quite general. A certificate of a physician (name indecipherable) is produced, indicating "impairment to physical health and of nervous system." His percentage of disability is stated at from 25 per cent to 50 per cent. Claimant's medical history files show that he was subjected to a number of convictions for breaches of discipline before capture and the record as to his health is not satisfactory.

In this state of the record it is manifestly impossible to reach a finding in claimant's favour. The medical evidence is quite inadequate to establish a disability resulting from maltreatment. Whatever disability claimant may now suffer has not been shown to result from his experience whilst a prisoner of war. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

### CASE 2603—REGINALD GORDON SMITH

Claimant was a Private in the 8th Battalion—Regimental No. 496. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right knee and was badly gassed. He was repatriated to England in December, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$13 per month for himself and family, based on his war wounds. He was married October 22, 1921, and has two children. Prior to enlistment, he was employed as a steam-fitter, earning \$75 per month and at present is doing a little farming and odd jobs.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours of labour, poor quarters, inadequate and bad food and no medical care or nourishment, when ill for six weeks with double pneumonia, resulting in badly impaired health.

An analysis of the evidence reveals:—

Claimant spent his period of captivity in Ohrdruf hospital and camp and at a farm near Edenbrunghausen (sic). He speaks of his treatment in hospital as "fairly good" and has no complaints of maltreatment whilst in camp. At the farm he was made to work and declares that the hours were long and the work too arduous in his weakened condition, but does not complain of any brutality. On the whole, he appears to have been fairly treated as a prisoner. He now complains of rheumatism in his back and shoulders and a more or less disabled hand, the latter disability due to neuritis from which he suffered in Germany. In other respects he declares he feels fairly well.

The medical evidence indicates that claimant suffers with pains in both shoulders, back and right knee. His percentage of disability is stated at 50 per cent in the general labour market. Dr. D. M. Rowlings, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files relate only to the knee injury which was of service origin.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. He has failed to show that any present disability results from maltreatment. The rheumatic condition in his shoulders may have resulted from general conditions of camp life in Germany and cannot be regarded as the result of maltreatment. That claimant was made to work, as were other prisoners, does not constitute maltreatment. Claimant's recourse is properly before the Board of Pension Commissioners. On the whole, the claim fails and must be disallowed.

ERROL M. McDUGALL,  
*Commissioner.*

OTTAWA, December 18, 1932.

### CASE 2648—THOMAS SMITH

Claimant was a Private in the 29th Battalion—Regimental No. 75428. He enlisted in October, 1914, at the age of 28 years, and was taken prisoner April 19, 1916, unwounded. He was repatriated to England December 15, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$28 per month, based on deafness. He was married in August, 1921, and has three children. Prior to enlistment, he was employed as a labourer, earning about 40 cents an hour, and is now engaged in farming.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his back, a cut on the head, solitary confinement and starvation.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp, and, when working on a farm, a German farmer dumped half a load of potatoes from a wagon on top of him, causing an injury to his back, which persists. He insists that this was done deliberately and was not an accident. He was next sent to an iron ore mine, and in being pushed through a hole he received a scalp wound from which he still carries a scar. He was not kept at the mine but was sent to another farm, where, being unable to lift heavy logs, due to his lame back, he received a bayonet wound in the hand and was locked in the cellar for five or six days. He was returned to Giessen and sent out to other farms until, in the spring of 1918, he attempted to escape. He received the usual solitary confinement upon being recaptured.

The medical record consists of two certificates, one from Dr. E. J. Eacrett who attended claimant in 1927 for nervous breakdown and indigestion. He notes scar on the left forehead and the ball of the left thumb, and states claimant has always suffered from headaches and nervousness. The other certificate is by Dr. Lyle Telford, who fixes a disability of 25 per cent due to lameness in the back, and advises an X-ray examination. Neither of these physicians appeared before the Commission. Apart from reference to chronic catarrhal otitis media and gastritis, claimant's medical history files show nothing unusual.

Claimant complains chiefly of the injury to his back and the cut on the head. While he insists that the former injury was deliberately inflicted by dumping a load of potatoes on him, I think the evidence indicates that the incident was accidental. Similarly, with the cut on the head. His guards may

have been careless, but I think the injury was accidental. Claimant's injured hand leaves no disability. I am uncertain, from the record, how claimant's impaired hearing originated, whether at the time of capture or later in Germany. On the whole, I do not find that claimant has discharged the burden of showing a present disability resulting from maltreatment. His case is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 5, 1933.

### CASE 2804—WALTER STAMPER

Claimant was a Sergeant in the P.P.C.L.I.—Regimental No. 29. He enlisted in August, 1914, at the age of 43 years, and was taken prisoner, May 8, 1915, wounded in the shoulder and thigh, and gassed. He was repatriated to England in September, 1917. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based upon bronchitis and asthma. He was married in 1898, is now a widower, and has one child. Prior to enlistment, claimant was employed as a steward, earning \$100 per month. He has since worked as a cook and is presently a patient at the St. Anne's Military Hospital.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of disabilities resulting from his experiences whilst a prisoner.

Claimant was unable to attend before the Commission, but his statement was taken by the Medical Adviser to the Commission at St. Anne's Hospital. Taken first to Roulers, claimant received no medical attention for his wounds. Sent on to Giessen camp, he remained until the fall of 1915. The German doctors would not pass him as fit for work in the salt mines, due to general debility and a chest condition. He was later sent to Bischofswerda camp, where he evidently acted as servant to officer prisoners. Conditions were good and he complains of no brutality, but protests that he was made to sleep in a cellar. Passed for transfer to Switzerland as medically unfit, claimant spent 2 months at Mannheim, where he complains only of starvation. As a result of his experiences, claimant complains of bronchitis and difficulty in walking due to disablement of the legs.

The medical record indicates a condition of bronchitis with some neuro muscular derangement, described as functional clonic tremors. His percentage of disability is stated at 100 per cent. Dr. M. McQuitty, who certifies to the foregoing, did not appear before the Commission. The medical Adviser to the Commission examined claimant and does not find in his condition anything which may be attributed to maltreatment whilst a prisoner.

Claimant is now aged 61 years, and must expect some diminution in his physical vigour. On the medical evidence, I cannot say that he has shown a present disability resulting from maltreatment whilst a prisoner. He does not appear to have encountered very harsh treatment and if his disablement is as extensive as he contends, his claim is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 30, 1933.



**CASE 2782—CHARLES EDWARD STANBROUGH**

Claimant was a Private in the 44th Battalion—Regimental No. 829842. He enlisted in February, 1916, at the age of 27 years. He was taken prisoner on the 23rd of August, 1917, unwounded. He was repatriated to England on December 2, 1918. He is not in receipt of pension. He is married and has two children. Prior to enlistment, he was employed as a lumberman, earning as much as \$100 a month. He is now unemployed, but, when working, earns from \$90 to \$100 a month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains chiefly of ill-treatment, starvation inoculation, and injury to his eyes; that he was forced to work when ill, and denied medical attention.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, where he remained about a month. He has no complaints as to his treatment there and was removed to Dulmen, where he remained until November, 1917, also without incident. He was then sent to Erkrath, where he remained until the Armistice, working in a factory, and complains of the long hours of work. He was subjected to no physical violence but complains that in the spring of 1918, while suffering from flu, he received no medical attention and was made to continue work until he dropped. He also declares that while unloading graphite from cars some of this material entered his eyes and, although he received medical treatment at Dusseldorf, this was inadequate to prevent impairment of vision. Claimant now suffers from general debility and alleges that he loses time from his work.

The medical record indicates that claimant suffers from chronic bronchitis, loss of weight, general weakness, and defective eyesight. His percentage of disability is stated at from 60 per cent in his own calling to 80 per cent in the general labour market. Dr. H. A. Gordon, who certifies to the foregoing, did not appear before the Commission. Claimant also files a certificate from Dr. G. P. Armstrong to the effect that he examined claimant on October 6, 1932, and found him suffering from general debility and chronic bronchitis. Claimant's medical history files indicate the condition of general debility and defective vision and a condition of bronchitis which is under consideration by the Board of Pension Commissioners.

The injury to claimant's eyesight was apparently accidental and resulted from the nature of his occupation while a prisoner. I do not consider that it can be ascribed to maltreatment. The evidence discloses that his eyes were examined and he was given glasses while in Germany. Claimant's remaining disabilities—a condition of general debility and bronchitis—are, I think, the result of general camp life in Germany and cannot be said to result from particular maltreatment on the part of the Germans. On the whole, I regard the case as one for the consideration of the Board of Pension Commissioners. The claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 12, 1933.

*Commissioner.*

**CASE 2729—VIVIAN EDWARD STEERS**

Claimant was a Private in the 4th C.M.R.—Regimental No. 113573. He enlisted June 22, 1915, at the age of 21 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 5, 1918. He is not in receipt of pension, was married in July 1928 and has one child. Prior

to enlistment, he was attending university and is now a welder earning up to \$45 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours of standing to attention, beaten with injuries to the head and ears, denial of medical aid and forced to work while ill.

An analysis of the evidence reveals:—

Claimant spent a short time at Dulmen and Minden camps where the only complaint is as to the food. He was sent to a steel works at Hoerde, where, for refusal to work on munitions, he was forced to stand to attention for some 11 days at 12 hours per day. When faint from weakness, a sentry struck him on the left side of the head injuring his ear. Placed next at making fertilizer, his nose became blocked due to breathing the material and he was denied attention. He says that civilians employed at this work were supplied with masks. He burst an ear drum and was sent to a specialist in Dortmund, who, upon discovering that he was a Canadian, refused to attend him. He was sent back to work and lost a finger when a piece of iron thrown at him struck him on the hand. The doctor refused to stitch the wound. While ill with mumps, and on another occasion with influenza, he was forced to continue at work until he collapsed and was taken to Dortmund and placed in hospital. Upon recovery he was returned to work but says that ever since he has perspired chiefly on one side of his body. Near the close of the war, he, with others, was removed from a fairly comfortable barracks and placed in filthy quarters, damp and uncomfortable. He wrote to the Spanish Ambassador complaining about it. After a visit from the Ambassador he was given a severe beating and received a bayonet cut in the left hand. On attestation, a scar was noted on the left hand between the thumb and forefinger.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. D. Purdy, indicating scars in the head, ear, left hand, ulcers in the left nostril, scar on the right middle finger, right testicle less than half normal size, hearing impaired in the left ear and severe headaches. A letter from Dr. Moher of the Lockwood Clinic (copy) is filed, indicating nasal bleeding due to an ulcerated area on the left side; chronic sinusitis. Claimant's medical history files refer to the unusual condition of sweating on one side of the body only. The nose and head condition is not rated as serious.

Claimant's main complaint seems to be as to his nose. This is indicated as congenital in his military medical records and does not appear to have been aggravated by any of his experiences in Germany. He also speaks of breaking an ear drum from blowing his nose, which, I am informed, would be a most unusual result. The coincidence of a scar on the left hand, upon enlistment, and which is referred to in his attestation form, at or about the same place as a scar said to result from a bayonet wound sustained in Germany is noted. On the whole, I consider that claimant has failed to show a present disability resulting from maltreatment whilst a prisoner. His disabilities, if properly established, would be the subject of consideration by the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2779—GEORGE STODGELL

Claimant was a Private in the 6th Battalion—Regimental No. 14751. He enlisted in August, 1914, at the age of 22 years and was taken prisoner on the 2nd of March, 1918, unwounded. He was repatriated to England on December



2, 1918. He is not in receipt of pension, but has an application pending before the Board. He was married on July 14, 1919, and has no children. Prior to enlistment, claimant was an iron worker, earning about 25 cents an hour. He is still an iron worker when employed and earns 70 cents an hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his back was injured while working in a coal mine owing to heavy lifting and that he still suffers therefrom.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained six months. He worked on a farm and was sent to a coal mine, where he remained until the Armistice. He worked one day underground and does not complain of any particular brutality. He declares, however, that he injured his back from heavy lifting, which still troubles him when he works. Claimant recites that when he injured his back he was driven to work at the point of a revolver because he protested that the work was too heavy for one man, and, it was while pushing or lifting a truck, that he felt a sharp pain in his back. Upon reporting sick, he was forced to continue work by the foreman.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, a condition of sciatica being referred to as pending before the Pension Tribunal. He appears to have had an operation for left inguinal hernia in 1915.

Claimant was a prisoner in Germany for ten months only and does not appear to have been subjected to any particular maltreatment. The alleged injury to his back was accidental in origin and, if it results in disability at the present time, claimant's case is properly one for the consideration of the Board of Pension Commissioners. Before this Commission he has failed to establish a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 12, 1933.

### CASE 2095—BURTON FORSYTH STOREY

Claimant was a Private in the Royal Canadian Regiment—Regimental No. 455827. He enlisted in January, 1916, at the age of 35 years and was taken prisoner October 8, 1916, wounded in both eyes by a bursting bomb. The eyes were removed in Germany. He was released to Holland in January, 1918, and reached England on the 7th of that month. He is in receipt of a 100 per cent disability pension, amounting to \$115 per month, based on total blindness. He was married in 1902 and has one child now aged 27. His wife has left him. Prior to enlistment, he was a machinist, earning about \$5 per day and is now unable to work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being operated on after capture, without anaesthetic, and claims that due to ruthless surgery he was unnecessarily deprived of his eye-sight. Suffered neglect, starvation, bad food, and unsanitary living conditions and now suffers from stomach disorders.

Analysis of the evidence reveals:—

This is a particularly distressing case. Claimant is totally blind, both eyes being enucleated in Germany. At the time of capture he had been wounded in both eyes and though he says he could see dimly at first, by the time he was taken back to a dressing station, he was apparently without sight. Taken first to Cambrai, both eyes were removed by the German surgeon, without anaesthetic.



It is claimant's contention that this was improper surgery and that, had care been exercised, it might have been possible to save some part of the vision. Claimant was sent to Julich hospital, followed by Trier, Aachen, Langensalza, and Mannheim. He does not complain of any particular brutality, apart from the operation at Cambrai, and general food conditions. In addition to his eye condition, he complains of stomach and intestinal disorders.

The medical evidence establishes claimant's total blindness. Apart from the evidence by medical certificates filed of record, I have consulted an eminent specialist, to whom the entire circumstances have been explained. He advises me that it is hardly possible that the German surgeons could have done anything else for claimant than what they did. The evidence discloses so serious an injury to both eyes that double enucleation was necessary.

In these circumstances, I am reluctantly led to the conclusion that the claimant has not established that his present disability is the result of maltreatment whilst a prisoner of war. His disability is due to the original service injury. Whatever claim he may have is properly a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 19, 1932.

### CASE 2580—WILLIAM STRACHAN

Claimant was a Sapper in the 2nd Canadian Tunnelling Company—Regimental No. 503441. He enlisted November 19, 1915, at the age of 24 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of pension, was married in January, 1919, and has four children. Prior to enlistment, he was employed as a section foreman, at \$79 per month, and is now in the same employment, at about \$105 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, beatings, confinement, long hours of labour and lack of clothing.

An analysis of the evidence reveals:—

Taken to Dulmen, claimant asserts that the food and sleeping accommodations were bad. At Duisburg, for refusing to work on munitions, he received a beating and served 10 days confinement. Next sent to Mettmann, where he worked on a farm, living conditions were good and the food excellent. He was then sent to Hamborn, near Essen, where, at work in the coke ovens, he served long hours of labour with 24 hour duty every second week. He attempted to escape and got the usual 21 days cells. He attributes his present condition of bronchitis to exposure and inadequate clothing, coupled with the gas fumes from the coke ovens.

No medical evidence was adduced at the hearing, the record consisting of a certificate of Dr. Kennedy, indicating chronic bronchitis. No percentage of disability is estimated. A further certificate by Dr. Kennedy indicates that claimant suffers with his right lung. Claimant's medical history files refer to a condition of chronic bronchitis declared to be of service origin.

Claimant's complaints are confined to exposure and the effect of gas fumes whilst working on the coke ovens, which has left him with a bronchial condition. For reasons which have been explained in Opinion annexed to my earlier report on maltreatment cases, I do not consider that disabilities resulting from general condition of camp life in Germany can be regarded as constituting maltreatment.

Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. His claim, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

OTTAWA, January 11, 1933.

ERROL M. McDOUGALL,  
*Commissioner.*

### CASE 2692—ALBERT VICTOR STUART

Claimant was a Private in the 4th C.M.R.—Regimental No. 109630. He enlisted in October, 1914, at the age of 25 years, and was taken prisoner June 2, 1916, slightly wounded in the left arm. He was repatriated to England November 20, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on neurasthenia. He was married in October, 1919, and has one child. Prior to enlistment, he was a foundry employee, earning \$2.50 per day, and is now acting as a janitor at \$5 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, beatings, being forced to stand over a hot fire and then deluged with cold water causing an ear injury, confinement, forced labour in coal mines, exposure, injury to toe and standing to attention.

An analysis of the evidence reveals:—

Claimant tells a disjointed story of his treatment. First at Dulmen, he has no complaints. He was transferred to Minden and thence to the coal mines at Westerholt. He worked here for thirteen months, and, for an attempted escape, was beaten and served the usual confinement. He made a second attempt and received further confinement. He had his toe smashed in an accident and states that the doctor tore the nail off. He also complains of an injury to his eye at the same time. He was sent to Milspie (sic) where, for refusing to work on munitions, he recites the incident of having to stand for half an hour over a hot fire until his clothes were scorched and burnt. He fainted and cold water was thrown over him, some of which got into his ears, causing deafness. He made a third attempt to escape and says that as punishment he got twenty-one days' confinement on water without food. Doubt was indicated in regard to the eye injury, as the military medical history files show a scar near the left eye received in France in 1916. The medical adviser to the Commission was not convinced that the deafness complained of constituted disability.

The medical records consists of certificates by Drs. A. K. Northrup and N. McArthur, neither of whom appeared before the Commission. Dr. Northrup certifies to a condition of mitral stenosis, with a 25 per cent disability. Dr. McArthur certifies to impaired vision in the right eye, sinus infection right side of nose and deafness in the left ear and fixes the disability at 50 per cent. A further certificate by Dr. (name indecipherable) dated December 26, 1932, has been filed, dealing with claimant's ear and eye condition. In effect this certificate finds the ear condition to have probably resulted from possible exposure and privation. Neither the cause nor the disability to vision is definitely stated. A declaration by J. A. Scott, a fellow-prisoner, testifies to beatings, starvation and conditions in the coal mines. Claimant's medical history files relate to the condition of neurasthenia, for which he receives pension.

Claimant's manner of giving his testimony was most unconvincing. He is certainly not stone deaf in either ear, as he was able to hear clearly remarks, from either side, in a low voice. I do not consider that claimant has shown any disability resulting from maltreatment whilst a prisoner, and, in my opinion, any disability from which he may now suffer is covered by pension. The case should not have been pressed before this Commission. It fails and must be disallowed.

OTTAWA, January 18, 1933.

ERROL M. McDOUGALL,  
*Commissioner.*



**CASE 2557—THOMAS HENRY SUMERSFORD**

Claimant was a Private in the 46th Battalion—Regimental No. 781552. He enlisted December 24, 1915, at the age of 19 years and was taken prisoner August 21, 1917, at Lens, unwounded. He was repatriated to England, December 7, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on bronchitis. He is not married. Prior to enlistment, he was a farm hand, earning \$40 per month and board, and is now doing odd jobs.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours of labour; that he was compelled to stand to attention, was starved and beaten.

An analysis of the evidence reveals:—

Claimant was held at Douai after capture, for one month, then taken to Dulmen, where he was inoculated and transferred to Essen. Here he worked at the coke ovens long hours and was exposed to coal gas fumes. On one occasion because he slept in after a 24-hour shift he was forced to stand to attention for two hours after doing a hard day's work. On another occasion, he was beaten with a rifle butt when he fell, due to exhaustion. He states that he now has periodic fainting spells and suffers from nerves.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. H. C. Young, indicating chronic bronchitis and fixing the percentage of disability at from 25 per cent to 35 per cent. Claimant's medical history files refer to bronchitis for which he is in receipt of pension, and to pyorrhea and epilepsy, declared to be post discharge.

Excessive work upon the coke ovens forms the basis of this complaint. I do not consider that claimant has established the connexity between his experiences in Germany and his present state of health. The bronchial condition has not been shown to result from maltreatment, nor does the record disclose the origin of the so-called epileptic seizures. Claimant's recourse is properly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

**CASE 2748—FREDERICK THOMPSON**

Claimant was a Gunner in the 3rd Trench Mortar Battery—Regimental No. 348146. He enlisted October 1, 1915, at the age of 31 years, and was taken prisoner June 2, 1916, unwounded. He was exchanged to Holland in the summer of 1918 and reached England in October of that year. He is not in receipt of pension, but has just been granted veteran's disability allowance, amounting to \$20 per month. He is unmarried, and, prior to enlistment was employed as a rigger, at \$18 per week. He has been practically unemployed since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general debility and tuberculosis as a result of his imprisonment.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, then to Minden and from there to the coal mine K-47. He remained at this mine about a year and a half and suffered with septic sores which caused him to be sent to an hospital attached to the mine. He complains of the rough methods used in painting the sores with iodine and states he was returned to work in the mine before they were properly healed. Finally he was sent to Munster, and placed in a railway car repair shop. For



an attempted escape he received 20 days solitary confinement on bread and water. He was next sent to Ham and placed at tearing up a narrow gauge railroad and states that the treatment by the guards was exceptionally rough. He reported sick often and was finally examined and reported to be suffering from tuberculosis and relieved from further work. After a delay of some weeks he was recommended for exchange to Holland.

Claimant was closely questioned by the medical adviser to the Commission covering the condition of tuberculosis, as there seems to be no mention of it in his medical history documents.

The medical record consists of a certificate by Dr. C. R. Graham, who did not appear before the Commission, indicating blindness of the right eye and partial blindness in the left eye due to an injury sustained in 1924, neurasthenia and pulmonary tuberculosis.

Upon examination of claimant's medical history file, I cannot find any mention of a tubercular condition, and there is no evidence of any disability at the time of discharge nor evidence of medical treatment for years after. Whilst he apparently worked in a coal mine for a year and a half it could not have been continuous, for, according to his story, he spent a large part of his time in hospital with septic sores, and, as they could not get much work out of him, they sent him back to camp. Under the circumstances I do not consider that I am justified in reaching a finding in claimant's favour. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission the claim must, therefore, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 24, 1933.

#### CASE 2700—JACOB C. D. THOMPSON

Claimant was a Private in the 19th Battalion—Regimental No. 814303. He enlisted November 1, 1915, at the age of 19 years and was taken prisoner May 8, 1917, unwounded. He was repatriated to England January 4, 1919. He is not in receipt of pension, was married in December, 1919, and has one child. Prior to enlistment, he was employed as a store clerk, at \$12 per week, and at present is a butter maker, at \$25 per week.

He alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and lack of medical treatment while ill, resulting in digestive disorders.

An analysis of the evidence reveals:—

Claimant spent 10 days at the notorious Fort McDonald in Lille, where he speaks of the familiar overworking, starvation and lack of proper toilet arrangements. He was removed to Dulmen and put on latrine work. After a month of this, he was sent to Gustrow and thence to Gettorf (sic), where he was placed at railway building. The work was very hard and the guards brutal. He ruptured himself in lifting a car to the rails and went to the doctor next morning. The injury was not discernible and he was returned to work. The pain returned, and, being unable to continue, he was beaten with a rifle. He was returned to camp in a wagon and placed in hospital, given a suspensory and given light duty. He was soon returned to the railway work but was sent back to camp and was later given a truss, which did not fit but he was compelled to continue at work. Upon repatriation he made a statement which confines itself to a recital of conditions at Fort McDonald.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. E. Hawkins to the effect that claimant suffers from duodenal ulcer, and a certificate by Dr. McGarry, of Niagara Falls, regarding

the same trouble. Two statements are filed by fellow-prisoners, Andrew Crozier and T. Winton, corroborative of claimant's story. Claimant's medical history files shown nothing unusual. He was apparently discharged as fit.

Claimant's hernia apparently no longer troubles him, since he does not wear a truss. It was accidental in origin and he was eventually supplied with a truss. I do not consider that this treatment can be regarded as maltreatment though he may have been left for some time without medical aid. The stomach condition of which he complains is probably nutritional in origin and cannot be related to maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2751—THOMAS THORP

Claimant was an Imperial Reservist, who came to Canada in 1907 and returned to his unit, when called to the colours in August, 1914. He served as a Private in the King's Own Yorkshire Light Infantry—Regimental No. 7275. He was taken prisoner November 1, 1914, at Messines, unwounded. He was repatriated to England in November, 1918. He was in receipt of a pension of 8 shillings per week, which he commuted in 1921, for \$360. It was based on neurasthenia, rheumatism and stomach disorders. He was married in May, 1922, and has two children. Prior to enlistment, he operated a meat market, clearing over \$1,000 per year and is now engaged in the same business but finds it poor.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of loss of personal property taken from him after capture, the quality and scarceness of food, exposure, long hours of labour and a wearing down due to being continually harassed, beaten and confined.

An analysis of the evidence reveals:—

Taken to Altdamm, there was no barrack accommodation and claimant had to sleep in dug-outs, was given inadequate covering and suffered from exposure due to wet and snow, resulting in chronic rheumatism. The place was notoriously verminous and claimant states he often had to sleep in water, and rub himself with snow in order to keep warm. His clothes were fumigated while he was allowed a bath, but upon resuming his clothes found that they had shrunk and were wet. This was in February. The attacks of rheumatism were very severe following this treatment, and affect him periodically now. While working long hours at a beet factory, he says that after a hard nights work he was not allowed to rest being given unnecessary fatigues and jobs to do and being turned out of bed for barrack inspection several times a day. He broke down and was sent to hospital for several weeks due to nervous trouble. Food parcels were opened, the contents mixed up and rendered inedible. On several occasions he was beaten with rifles, all of which contributed to his nervous breakdown. At Schneidemuhl he, with others, refused to work in the manufacture of poison gas and he was threatened with death and was given ten days confinement. While working on farms he received thrashings, due to his unfamiliarity with the handling of oxen and was housed in an overcrowded unsanitary cow barn.

The medical record consists of certificates by Drs. W. J. Knox, and G. L. Campbell, neither of whom appeared before the Commission. Both certify as to a condition of rheumatism and neurasthenia, together with gastric disorders. Other certificates are filed as to his condition prior to enlistment and his present ill-health. Claimant's medical history files show nothing unusual.



Claimant speaks chiefly of the exposure, labour and constant mental strain of his captivity as causing the disablement from which he now suffers, viz.: rheumatism, neurasthenia and impaired digestion. While the treatment was clearly rough, I do not think that it can be regarded as active maltreatment. The Germans were unable to cope with and care for the number of prisoners who fell into their hands in the early stages of the war, and great hardship resulted. That claimant's health should have suffered from such hardship is perhaps made out, but I am unable to say that he has discharged the burden of showing a present disability resulting from maltreatment. His claim is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 3, 1933.

*Commissioner.*

### CASE 2657—WILLIAM CHARLES THURGOOD

Claimant was a Private in the 7th Battalion—Regimental No. 16367. He enlisted in August, 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He escaped from Germany to Holland February 16, 1917. He was born in England, came to Canada in February, 1911, and now resides in San Francisco and became a naturalized citizen of the United States September 3, 1929. An affidavit of Flora Aske, rooming house keeper in Vancouver, is filed attesting that claimant roomed in her house in 1914 and returned from overseas in October, 1917, and roomed with her for six months thereafter. He once received a 3 per cent disability pension, commuted under the Act of 1920. It was based on nervous debility. He was married in February, 1920, and has one child living. Prior to enlistment, he was employed as a plumber, earning \$6 per day and is now doing odd jobs, but had been following his trade and earned as high as \$10 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being refused medical treatment, that he was beaten, stoned and chained to posts, exposure, confinement, and of being struck over the head with a rifle causing partial paralysis.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen and there sent to Neuhammer to work at plumbing. While at work, the Germans threw stones and water on them. Twenty-six of his companions were next tied to poles in the bog for refusing to work longer, and left for four hours. This happened to claimant twice. In winter, he was compelled to strip out of doors while his clothes were being fumigated and he had to put them on wet. When he applied for medical treatment, for gas poisoning, it was refused and he received two blows on the head from rifle butts. The next camp of importance was Vordenermoor, claimant having passed through Saltau. He got two weeks dark cells for playing ball. He then passed through Hameln, Shellarton (sic) sugar refinery and Lichtenhorst. He received two weeks cells in the latter camp because he requested to go sick on account of stomach trouble and got into an argument. At Aselager, he worked in the woods and was struck over the head with a revolver butt and knocked unconscious. He contends he was afflicted with paralysis of the left side of the head and body as the result of this blow. He subsequently escaped to Holland.

Declarations are filed in support of the claim; one by Margaret Thomas, of Vancouver, who has known claimant since 1920 and knows he suffers with stomach trouble, loss of vision in the left eye and debility. A declaration by A. Gordon Spring is filed attesting to claimant's inability to follow his trade after his return to Canada, due to his condition.



The medical record consists of a certificate by Dr. W. E. Glaeser of San Francisco, who finds claimant suffering chiefly from his stomach and some limitation of movement in left leg and right hand. A certificate from the Royal Columbian Hospital is also filed, to the effect that claimant was in the hospital for 14 days in 1920. Claimant was examined by the medical examiner to this Commission who finds him suffering chiefly from stomach disorders. His medical history files contain a lengthy statement covering claimant's experiences as a prisoner and his escape.

A comparison of the statement made by claimant and appearing in his files, differs in many respects from his testimony before the Commission. Thus, there is not a word in this statement of the blow on the head, which is said to have resulted in partial paralysis. The incident of being tied to poles is also unmentioned. Claimant stresses only a stomach complaint as the disability resulting from maltreatment. Whether this may be ascribed to the gas received before capture or to general food conditions while a prisoner I cannot say, but, for reasons which have been explained in my earlier reports upon maltreatment cases, I do not think that claimant has been successful in showing a present disability resulting from maltreatment. His case, if anything, is pensionable in nature. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.

#### CASE 2797—JOHN TOUGH

Claimant was a Private in the 1st C. M. R.—Regimental No. 106592. He enlisted in November, 1914, at the age of 29 years, and was taken prisoner June 2, 1916, having been blown up by a shell and was suffering from broken left arm, right shoulder, broken jaw, crushed chest, and total deafness for 6 weeks. He was repatriated to England December 10, 1918. He has an application for pension pending, was married in January, 1919, and has three children. Prior to enlistment, he was on a farm, at \$45 per month and board and is now unemployed but had been engaged as a carpenter for five years, earning as high as \$1.05 per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention, forced labour while unfit and no treatment for his ears, resulting in deafness.

An analysis of the evidence reveals:—

Claimant was taken to hospital at Aachen and complains of the way in which his arm and shoulder were set. He states his ears were not treated at all and that he was totally deaf for 4 weeks. Thence sent to Friederichsfeld he was placed at work pushing wagons before he had recovered from his wounds. To this treatment he attributes a present disability in the wrist. He was next sent to Holzburg, and placed at work packing ice and states his varicose veins became aggravated by this work. Later, at Eusterburg, he worked at digging ditches, up to the knees in water, which affected his legs. He received confinement to cells for keeping a diary, parcels were stopped and as a consequence he suffered from lack of food.

The medical record consists of a report by Dr. H. J. Peacock, who did not appear before the Commission, indicating inability to use left wrist properly, total deafness in left ear, with disability rated at 50 per cent. Claimant's medical history files relate to his wounds and ear condition as being under consideration by the Pensions Tribunal.

Claimant's ear condition may be traced to the time of capture and the record does not show any lack of treatment which, had it been given, might have saved the hearing. He had varicose veins upon enlistment and I do not find that any aggravation thereto can be ascribed to maltreatment while a prisoner. He complains of disability to his left wrist, through being made to work before the wound had properly healed. Again, I think the disability is attributable to his original service wound. Claimant has thus failed to show a present disability resulting from maltreatment while a prisoner. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2481—ERNEST ALLISON TURNBULL

Claimant was a Private in the 1st C.M.R.—Regimental No. 106595. He enlisted in October, 1914, at the age of 19 years and was taken prisoner June 2, 1916, suffering multiple shrapnel wounds. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in June, 1922, and has two children. Prior to enlistment, he was attending school and since discharge has been unable to do office work, due to ill health, and is now a commercial traveller, earning \$150 per month and expenses.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement in unheated cells, long periods of standing to attention, exposure, denial of medical attention and further confinement.

An analysis of the evidence reveals:—

After capture, claimant's wounds were dressed and he was sent to hospital at Stuttgart. Upon discharge from hospital, he was sent to camp at Stuttgart where he remained for eight months, doing rough labour. He received three days' confinement for refusing to work on munitions, also blows from rifle butts. He states that one form of punishment consisted in making a prisoner squat down with hands on hips. After ten minutes a cramp would cause him to move, whereupon he received a blow from a rifle butt. He was confined to cells, on another occasion, for failure to salute an officer. The cell was freezing cold and he attributes his bronchial trouble to this incident. The fact of such confinement is corroborated by a letter from G. H. Patterson, a fellow-prisoner. He was next sent to a farm and made an attempt to escape, was recaptured and given a further term of confinement. He was removed to hospital due to a poisoned leg after five days. He was then returned to cells for 14 days. He also recites an incident of injury to his back in carrying a barrel of sand upstairs, when he tripped and twisted his back.

The day after the hearing at Winnipeg, claimant wrote a letter to the Commission stating that he had not stressed his mental condition at the time. He states he is subject to fits of depression and nervousness and that the recital of his story recalled his experiences so vividly that he walked the streets for hours before he could rejoin his family.

The medical record consists of a certificate of Dr. F. A. Jamieson, who did not appear before the Commission, indicating a condition of chronic frontal sinus and bronchitis. He fixes the disability at 10 per cent. Claimant's medical history files show nothing unusual. The conditions of sinusitis and tonsilitis are shown as "post discharge."

Claimant stresses his mental depression as his main disability. This was probably due to the strain and duress of his period of captivity which he was not, apparently, able to take as philosophically as other prisoners. The sinus and bronchial trouble can hardly be ascribed to maltreatment by the enemy. His state of health appears to be the result of general conditions of life in prison camp, aggravated perhaps by unhealthy confinement. Viewing the case as a whole, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 30, 1932.

### CASE 2767—SAMUEL PARK TYNAN

Claimant was a Private in the 3rd Battalion—Regimental No. 9728. He enlisted in August, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound fracturing the left arm, and a touch of gas. He was repatriated to England December 31, 1918. He has recently been allowed a 10 per cent disability pension, amounting to \$7.50 per month, based on his service wound in the left arm. He was married in October, 1928, and had three children. Prior to enlistment, he was employed as a store clerk, earning \$16 per week, and is now a shipper with a furniture concern, at \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, confinement and starvation.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Saltau, Lichtenhorst, Unterluss and Gymbkie (sic). His chief complaints are as to neglect of his wounded arm in hospital at Giessen followed by faulty treatment there. The arm is now an inch and a half thinner than the other and is the basis of his pension. His next complaint is of treatment at Unterluss punishment camp. Being unable to do the work required on building a parade ground, due to weakness from starvation, and his injured arm, he received severe beatings, resulting in extreme nervousness and heart trouble.

The medical record consists of a certificate by Dr. T. O. Beauchemin, who did not appear before the Commission. He finds claimant generally run down, very nervous and suffering from some lung condition. He fixes the disability at from 40 per cent to 50 per cent. Claimant's medical history files relate only to his service injury.

Claimant seems to suggest that had his arm been properly treated in Germany, his disability therefrom would not now be as great as it is. I do not consider that this claim has been substantiated. His complaint as to nervousness also fails,—he has not shown that such condition, if constituting disability, necessarily results from maltreatment whilst a prisoner. On the whole, I regard claimant's case as one for the consideration of the Board of Pension Commissioners. Before this Commission, it fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.



**CASE 2766—JOSEPH WADE**

The claimant was a Trooper in Lord Strathcona's Horse—Regimental No. 552765. He enlisted in August, 1915, at the age of 21 years, and was taken prisoner August 8, 1918, suffering from a gunshot wound in the left arm. He was repatriated to England January 13, 1919. He is in receipt of 15 per cent disability pension, based on gunshot wound left arm, chronic bronchitis, and pleural adhesion, which amounts to \$22.50 per month, for self, wife, and 4 children. He was employed as a carpenter at 55 cents per hour. Since his discharge, he has had various occupations, and is now promoting the Calgary Clay Products Ltd.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of treatment for his wounded arm, as a result of which it is permanently crooked. He also states that by reason of lack of food and adequate clothing he contracted bronchitis and pleurisy.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 4 months, during which time he was not compelled to work nor was he brutalized. He confines his complaint to lack of proper surgical attention for his fractured arm and declares that had it been properly set, he would not now suffer as great a disability as he has. In his testimony he suggests that his arm was not set for some considerable time after he was captured, but his medical history files indicate (upon statements made by claimant at the time) that it was set the day after capture. Claimant also speaks of a chest condition which developed about a week before he left Germany following an attack of pleurisy. He attributes this to lack of food and exposure.

There is no medical evidence of record, apart from claimant's medical history files, which show the disabled condition of the arm with bronchitis and pleural adhesions.

In this state of the record, I do not consider that claimant has succeeded in showing a present disability resulting from maltreatment. Whether his arm should have been set, or whether it was done properly, at most would be a matter of surgical judgment. The original injury was serious and claimant has not shown that he did not receive proper treatment. The claim is covered by his pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

**CASE 2720—JOHN WARBURTON**

Claimant was a Private in the 3rd Battalion—Regimental No. 9967. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in 1919 and has no children. Prior to enlistment, claimant was a glass beveler, earning \$16 per week. He is still so employed, and, when working, earns 64 cents per hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to do too heavy work on insufficient food, and was denied medical attention when ill. Exposure in inclement weather has affected his stomach and nerves.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he remained six months. He complains chiefly of the poor food. Sent out to Frankfurt, he worked in a railway yard. The work was heavy and he was beaten and received confinement to cells for refusing to work. He was sent on to Lichtenhorst, via Saltau, where he remained about five months and has no complaints. He then went to Bohmte, where he remained for the duration of the war. Working on the canals, he complains of exposure to the wet and long hours. At a farm, for an attempted escape, claimant received a month's cells and was beaten by the guards. On one occasion he was struck across the head by a guard, with a bayonet, for talking to a fellow prisoner. He now suffers from his stomach and his nerves as a result of these experiences.

The medical record indicates that claimant suffers from "general instability—a nervous trembling upon slight excitement; chronic indigestion of the stomach with occasional very severe attacks of acute indigestion." His percentage of disability is stated at from 50 per cent to 70 per cent. Dr. A. A. Staley, who certifies to the foregoing, also appeared before the Commission. He confirms the diagnosis contained in his certificate and attributes the condition to bad food and exposure with heavy manual labour. The nervous state is probably induced by the gastric condition. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

In this state of the record, it seems clear that claimant's disabilities are nutritional in origin. For reasons which have been explained in general opinion annexed to my earlier report upon maltreatment cases, I do not consider that this result can be ascribed to maltreatment. It follows general conditions of camp life in Germany, to which all prisoners were exposed. Claimant's case, if any, is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 18. 1933.

*Commissioner.*

### CASE 2527—ROBERT FORBES WAUCHOPE

The claimant was a Corporal in the 10th Battalion—Regimental No. 20091. He enlisted in August, 1914, at the age of 39 years and was taken prisoner April 24, 1915, unwounded. He was exchanged to Holland in March, 1918, and repatriated to England November 18, 1918. He is not in receipt of pension. He states that he applied for pension, but that his application was rejected, and he is now appealing. He is a widower with no children. Prior to enlistment, he was a horseman, earning \$5 a day. After his discharge, he was for a time a clerk and time keeper, but is now unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being knocked down and kicked, and of general abuse. He alleges that he sustained a knee injury from which he still suffers, also a nervous condition.

An analysis of the evidence reveals:—

Claimant spent practically the entire period of his captivity at Giessen camp. He does not relate any particular acts of brutality, but declares that the treatment was generally harsh and brutal. His knee was injured in some manner which has not been clearly explained and he still suffers therefrom. He complains of extreme nervousness and has a very marked impediment to his speech which he attributes to the strain and duress of his experiences as a prisoner. Claimant was confined to cells on several occasions and was exposed to long hours of punishment marching around the compound.

The medical record indicates that claimant suffers from nervousness and chronic synovitis of the right knee joint. Dr. J. H. Brodie, whose certificate is produced, did not appear before the Commission. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant is now 57 years of age. He must expect some diminution in his physical vigour with the passage of years. There is little evidence of physical maltreatment in the record and whatever injurious effects claimant's experiences had upon his health must, I consider, be attributed to general conditions of camp life in Germany. For reasons explained in Opinion annexed to my earlier report, such general conditions cannot be regarded as maltreatment. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2721—CLARENCE WAY

Claimant was a Private in the 4th C.M.R.—Regimental No. 113624. He enlisted in August, 1915, at the age of 18 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 1, 1918. He is not in receipt of pension, same having been discontinued in February, 1920. It was a 15 per cent disability, based on neurasthenia. He was married July 31, 1919, and has two children. Prior to enlistment, he was a factory labourer, at 15 cents an hour, and is now a machine operator, at 20 cents an hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of overwork, abuse and injury due to fumes and hot slack from a fertilizer plant.

An analysis of the evidence reveals:—

First at Dulmen, his main complaint is as to the food and long working hours. At Minden, no parcels were received and long hours of labour in the canal were the routine, with frequent blows from rifle butts. At Munster No. 2, he was sent to work at Hoerde iron factory where they made fertilizer. The fumes caused indigestion and pains in the chest. He was also placed at tempering white hot metal and did 24 hour duty at the coke ovens every second Sunday. He received fourteen days confinement as the result of an argument with a guard, and in the Spring of 1918 contracted influenza and was placed in hospital. He finished his period of captivity back at work in the fertilizer plant. After the Armistice the prisoners refused to work and were threatened with machine guns.

The medical record consists of certificates by Dr. P. A. Scott, who did not appear before the Commission, indicating heart trouble and nervous disability. He says "this man cannot do a day's work, as soon as he does heavy work his heart becomes bad, palpitation, and his nervous condition becomes so bad he has to stop work entirely." A certificate by Dr. C. A. Publow states that claimant received treatment under the D.S.C.R. in 1922 for heart and neurasthenia. Claimant's medical history files refer to the condition of neurasthenia, for which he was, at one time, in receipt of pension.

Claimant's heart affection has apparently greatly improved, since he is no longer in receipt of pension. I do not find in the evidence any record of maltreatment such as would be likely to result in permanent disability. Claimant must have expected that his treatment would not be all he desired, and any effect upon his health resulting from general conditions of camp life, while it may be pensionable, in an appropriate case, does not necessarily entitle a claimant to



reparations. On the whole, I consider that claimant has failed to show a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 1965—VAUGHN HALIBURTON WEBBER

The claimant was a Corporal in the 7th Battalion—Regimental No. 17180. He enlisted September 23, 1914, at the age of 27 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in left leg. He was repatriated to England on November 18, 1918. He is not in receipt of pension. Prior to enlistment, he was employed as a surveyor's assistant, earning \$140 per month, and since his discharge has been practically continuously out of work, due to his condition.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of overwork, and in particular of an incident which occurred at Huesten, where he was working in a quarry. Because he did not understand what a guard said to him in German, he was kicked severely at the base of the spine, knocked down and was unable to resume work. He was carried to barracks and made to walk back to camp,—one-half mile. He was placed in hospital for six weeks and sent back to barracks, where he contracted pneumonia. He was five months in hospital and being in a weakened condition was excused all work for the remainder of his period of captivity. He declares that a growth developed at the point where he had been kicked and that he received treatment therefor. It was only in England, in 1919, that he was operated upon for the injury, and the growth removed. He declares that this injury still troubles him greatly, and that he has been unable to work as a result of the disability.

An analysis of the evidence reveals:—

Claimant stresses the injury resulting from the kick referred to as constituting maltreatment. In support of his statement as to the incident he has filed affidavits of two fellow prisoners who declare that he was in fact injured on the occasion in question, was laid up for some time and excused all duty because of his condition. Claimant also makes a claim in his deposition for loss of personal effects which were contained in a box which he shipped out of Germany but never received after reaching Holland though he made diligent search therefor. I do not consider that this claim has merit. The box may have been lost in a number of ways not attributable to the enemy.

The medical evidence consists of an affidavit of Dr. L. Broe, dated November 25, 1931, which speaks of an examination that day which revealed a broad scar, one and one-half inches long running anteroposteriorly midway between scrotum and anus, which claimant declared was due to an operation in England in 1919. The scar is now tender to pressure, which interferes with walking. Dr. Broe expresses the opinion that claimant is unfit to carry on his work of surveyor's assistant. Dr. Broe also appeared before the Commission. He confirms the findings contained in his certificate, but says it is difficult to estimate the disability resulting from the scar. He cannot say definitely that the original injury was of traumatic origin. Claimant's medical history files show that he suffered from and was operated upon for a perineal abscess, from which upon discharge, he then appeared to have made a good recovery.

The corroboration furnished by the two witnesses named brings some substantiation to claimant's story of injury, but I am not satisfied that there is any

serious disability resulting from the injury. The condition for which he was operated upon in 1919 was acute—perineal abscess—and it has not been shown that this condition was the result of the blow or kick he received in 1916 while a prisoner. Claimant's testimony did not dispel the doubt as to the accuracy of his observation of the origin of the injury and the connection between it and the subsequent operation. Viewing all the circumstances of the case, I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.

### CASE 2576—HARRY JAMES WELLS

The claimant was a Private in the 3rd Battalion—Regimental No. 18698. He enlisted in August, 1914, at the age of 26 years and was taken prisoner April 24, 1915. He was not wounded, but states he was slightly gassed. He was repatriated to England, after exchange to Switzerland, in December, 1918. He is in receipt of a 10 per cent disability pension, based on neurasthenia, which amounts to \$14 per month. He was married in 1920, and has 3 children. Prior to enlistment, he was manager of a Grocery Department, at a salary of \$150 per month and a 10 per cent share of the profits. After discharge, he followed his former occupation for some years, but ultimately had to resign his position because of ill health. He is now engaged in selling real estate.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours, excessive work, and general abuse. He states that on one occasion he was tied to a stake for 5 hours, and on another, knocked down two flights of stairs by a guard. He complains of rheumatism and a nervous condition.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained 9 months, and complains only of the food. Sent on to Lichtenhorst, via Saltau, claimant remained a year working on the moor lands and complains of the hard work, inadequate food and exposure to weather. At Bohmte, the complaint is as to hard work. He was tied to a stake for 5 hours for hitting a Belgian prisoner. The exposure at Bohmte brought on the rheumatism from which he still suffers. Sent to a farm, there were no outstanding incidents. At a sugar factory, the work was hard and the food poor. He was hit on the head and knocked down two flights of stairs for engaging in an argument with a guard. Claimant served the usual 14 days in cells for an attempt to escape. After a period at Hameln, he was transferred to Switzerland. Claimant suffers chiefly from rheumatism and his nerves.

The medical record indicates that claimant suffers from recurring stiffness and pain in neck and shoulders, nervousness, insomnia, restlessness, which is diagnosed as due to arthritic cervical spine and psychoneurosis. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. E. P. Scarlett, who certifies to the foregoing did not appear before the Commission. A letter of Dr. R. D. Robertson is also filed attesting a general nervous condition. Claimant's medical history files show nothing unusual.

In this state of the record, I cannot reach the conclusion that claimant's present state of health is due to maltreatment whilst a prisoner of war. He is another victim of the general conditions of camp life in Germany and I regard

his case as one for the consideration of the Board of Pension Commissioners. Before this Commission claimant has failed to make out a case, and the claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2699—FREDERICK WHARPOLE

Claimant was a Gunner in the 30th Battery—Regimental No. 91243. He enlisted on June 11, 1915, at the age of 22 years, and was taken prisoner on June 2, 1916, unwounded. He had been buried by a shell explosion. He was repatriated to England November 18, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$15 per month for himself and family, based upon heart and nervous trouble. He is married and has four children. Prior to enlistment, claimant was a farmer. He is now an orderly at Christie Street Hospital, Toronto, earning \$75 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of overwork and living conditions in Germany as having reacted unfavourably upon his heart and nerves.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he encountered no physical maltreatment, but speaks of threats of violence which affected his nerves. Sent to Engers, where he remained two years, he was employed on bridge construction. He was not beaten, but again complains that he was threatened with such punishment. He declares that the mental strain brought on epileptic fits and that his heart was weakened. He was sent to Aachen, for exchange to Switzerland, but was denied transfer.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, apart from the condition for which he is in receipt of pension.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. Mere threats of violence can hardly be regarded as maltreatment, particularly when such treatment is compared with the lot of other prisoners who were not only threatened but actually beaten and abused. Claimant's case is purely pensionable in nature. Before this Commission, he has failed to discharge the burden of showing a present disability resulting from maltreatment while a prisoner. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2357—RICHARD WHELAN

Claimant was a Private, who enlisted with the 228th Battalion on December 12, 1916—Regimental No. 1007079. He was taken prisoner November 30, 1917, and was repatriated to England January 2, 1919. He was born in Newfoundland and first applied to his own Government, for reparation, in February, 1930. His claim was rejected on the ground that having served with the Canadian Expeditionary Forces it should be dealt with by the Canadian authorities. His solicitors applied to this Commission, by letter dated May 4, 1931, and forms



were sent July 23, 1931. They have never been completed and returned. Registered notice was sent to the claimant, in care of his solicitors, on May 26, 1932, notifying him to appear at the sessions of the Commission, at Halifax, on June 18, 1932. He did not appear, and his absence has remained unexplained. The claim is, according, disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2698—SYDNEY CHARLES WHITE

Claimant was a Private in the 4th C.M.R.—Regimental No. 109676. He enlisted November 27, 1914, at the age of 18 years, and was taken prisoner June 2, 1916, suffering from gunshot wounds in both legs (fractured), and the right hand. He was repatriated to England December 24, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on his service wounds. He was married in May, 1919, and has three children. Prior to enlistment, he was a garage helper, earning \$12 per week, and is still in the same employment but only working part time.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment resulting in permanent injury to his leg, exposure and under nourishment causing heart trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was taken to hospital at Menin and then removed to Julich. He complains of neglect at both places. After leaving hospital he was sent to Stendal, and, while on crutches, was sent out to work in a stone quarry. He was unable to load the stone, and was given confinement, and beaten. He was then sent to a sugar factory, where the work was still too heavy, so he was returned to camp and given further confinement. His wounds were still open, for which reason the blows received were additionally painful. He was returned to the sugar factory and kept at work. Finally, in 1918, he was given a light job on the parcels at the camp. He still has a piece of shrapnel in the knee, which he thinks should have been removed by the Germans.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate only to his service wounds.

Claimant's complaint is that because of failure to attend his wounds, he has been left with a greater disability than he would otherwise have had. He adds that being made to work before his wounds had healed, aggravated the condition. The medical evidence does not establish a present disability other than claimant's service wounds for which he receives pension. I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment as a prisoner of war. His recourse is quite properly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 19, 1933.

### CASE 2449—H. T. V. WHITEHEAD

Notice of claim was received on behalf of the above named claimant but the usual documents of claim have never been completed. There is no information concerning him of record, except the statement that he served as an officer.

Claimant was notified to appear before the Commission, at its Toronto sessions, on April 29, 1932, and again, at Winnipeg, on September 14, 1932, but failed to appear. The Winnipeg Command of the Canadian Legion has advised that they are unable to locate claimant. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 29, 1932.

### CASE 2793—JOSEPH ARTHUR WIGGINS

Claimant was a Private in the 4th C. M. R.—Regimental No. 113634. He enlisted July 31, 1915, at the age of 30 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension, was married in June, 1912, and has four children. Prior to enlistment, he was employed as a typewriter repair man, at \$10 per week and is now unemployed. He resumed his former occupation, after discharge, but was dismissed due to ill health and general business conditions in March, 1931. This is confirmed by a letter from his former employers.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, long hours of labour in an iron mine, of being beaten, and tied to a tree for a day without food or water.

An analysis of the evidence reveals:—

Claimant spent the first four months of his period of captivity at Dulmen, where he complains that he was compelled to stand to attention for periods ranging from a half day to two days at a time. He was next sent to Minden, where he worked in drainage ditches, standing in water for some seven months, and was then placed at unloading barges of stone in February and suffered with his feet due to exposure. Medical attention was refused and he received seven days confinement for losing an axe. At Schelm, for refusing to work in a munition factory, he was beaten and slashed across the wrist by a bayonet and cut across the head. He states that he has lost the power of his hand due to this blow. He received a further blow in the eye with a stick by a sentry for refusing to shovel snow on a Sunday, causing a permanent blurring of vision. He wound up his period of captivity on a farm where he was fairly treated.

The medical record consists of a certificate by Dr. O. F. Bryan, who did not appear before the Commission, indicating chronic bronchitis, impaired vision in the left eye, and bad feet. The disability is fixed at 60 per cent. Claimant's medical history files refer to some astigmatism of the left eye, corrected by glasses. Other disabilities are mentioned with, however, no pension action, but no record of any disability to the wrist or arm appears.

I regard claimant's case as pensionable in nature, if anything. He has not succeeded in showing that his impaired vision is due to maltreatment. He admits to some visual defect upon enlistment. His remaining ailments, if established, are more the result of general conditions of camp life in Germany than of any particular maltreatment. Claimant has thus failed to make out a case before this Commission and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 16, 1933.

**CASE 2742—WILLIAM M. WILKIE**

Claimant was a Lance Sergeant in the 44th Battalion—Regimental No. 127239. He enlisted October 11, 1915, at the age of 19 years and was taken prisoner August 23, 1917. He states in his declaration form that he was suffering from gunshot wound in the right side, when captured, but in his evidence states he was not wounded or injured in any way. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married in September, 1924, and has no children. Prior to enlistment, he was employed in the mailing department of a printing office, at \$8 per week, and is now still employed by a printing concern, earning \$26 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the food, resulting in present nervous trouble.

An analysis of the evidence reveals:—

Claimant spent his captivity at Douai, Minden, Saltau and Schnaber Dingen. He states that he received no actual maltreatment, his entire complaint being based on the quantity and quality of the food from which he now suffers kidney trouble.

No medical evidence was adduced at the hearing, the record consisting of certificates by Dr. A. B. McCarter, indicating Brights Disease in 1923. He must exercise care in his diet, is of a nervous disposition and subject to dizziness. Disability fixed at from 25 to 50 per cent. Certificate by Dr. H. O. Hourth is filed, indicating acute Brights Disease in 1923, six weeks' illness. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant was advised, at the hearing, that his alleged disability, which is purely nutritional in origin, does not entitle him to an award on the ground of maltreatment (See Opinion annexed to my earlier report on maltreatment cases). A perusal of the record confirms the view then expressed. Claimant has failed to make out a case and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933.

**CASE 2722—CHARLES WILKINS**

Claimant was an Imperial soldier who served as a Corporal in the 11th Essex Regiment—Regimental No. 276835. He first came to Canada in 1913 and returned to England in October, 1915. He enlisted October 6, 1916, at the age of 28 years, and was taken prisoner March 22, 1918, suffering slightly from gas. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in March, 1912, and has four children. Prior to enlistment, he was employed as a cement finisher, earning \$12.50 per week and is now a letter-carrier, at \$1,250 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, beatings and lack of medical attention.

An analysis of the evidence reveals:—

Claimant states he was four days without food after capture and was then compelled to work behind the lines, for a short time, at carrying ammunition, and, being unable to lift heavy shells, he was beaten with rifle butts over the head. He reported sick but the doctor gave him no attention, although eventually he was placed in hospital at Denain. He states he received no medical



attention here and that the food ration was short. He was taken to Antwerp, in an open truck, in cold March weather without an overcoat. His clothing was taken from him at Antwerp and thin print stuff supplied. His main complaint consists of starvation. He terminated his period of captivity at Cottbus, where the food scarcity continued.

The medical record consists of certificates by Dr. Robert Oliver, who did not appear before the Commission, indicating intermittent sore throat and rheumatic pains, badly infected gums and teeth, shortness of breath and palpitation attributed to exposure, starvation and abuse while a prisoner of war. The percentage of disability is estimated at from 25 to 60 per cent. Claimant's medical history files are not available.

Claimant was a prisoner for a short time only, and while he appears to have undergone rough treatment, I do not think it can be said that he has shown that any present disability results from maltreatment. That he was fit when discharged is evidenced by the fact that he re-enlisted and served in Ireland with the Imperial Forces. The connexity between his present alleged rheumatic condition and his experiences in Germany has not been established. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 19, 1933.

### CASE 2323—ALBERT EDWARD WILSON

Claimant was a Private in the 25th Battalion—Regimental No. 733105. He enlisted December 8, 1915, at the age of 23 years and was taken prisoner April 28, 1917, at Vimy Ridge, suffering from gunshot wound in the left breast. He was repatriated to England December 2, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$15 per month, based on his war wounds and pleurisy. He was married May 5, 1914, and has five children. Prior to enlistment, he was employed as a railway car cleaner, earning \$20 per week, and since discharge was doing ordinary labour at \$2.50 per day, but has been unemployed until quite recently.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being knocked off his feet on two occasions by blows with rifle butts, and was compelled to stand in front of a blast furnace for three hours, for refusal to handle heavy ammunition. He suffered also from starvation and exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Langensalza where his wounds were attended. He has no complaints as to his treatment there, but at Dulmen, where he was next sent, he complains of beatings to make him work faster. Removed to Munster, he has no complaints, until he reached Dusseldorf where he remained for the duration of his period of captivity. For refusing to work upon munitions, he was beaten on several occasions and complains that he was made to stand before the iron blast furnaces as further punishment. He was employed at unloading coal and speaks of the treatment as sometimes good, sometimes bad. He contracted the flu during the epidemic and received no medical treatment. He suffers from his side (left), said to be due to a blow received during a beating, and his stomach.

The medical evidence is very vague and consists in the affidavit of Dr. C. H. Morris, who declares that claimant was "underfed and maltreated when physically unfit for work." He rates claimant's percentage of disability at 25 per cent. Claimant's medical history files refer to a condition of neurasthenia, gunshot wound left breast and a condition of pleurisy, for which latter ailment he is in receipt of pension.

Claimant was roughly handled whilst a prisoner but I do not consider that he has been successful in showing that any present disability results from any maltreatment to which he was subjected. The medical evidence is entirely inadequate to substantiate such claim. Claimant has thus failed to discharge the burden resting upon him. His claim is properly one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 17, 1932.

#### CASE 2642—GEORGE WILSON

Claimant served as an Imperial, with the Naval Division—Official No. 4795A. In October, 1914, he was taken prisoner, near Antwerp, and sent to Doberitz prison camp. Claimant has not completed the usual documents of claim, nor did he appear before the Commission at its Vancouver sessions, on September 23, 1932, although notified to do so. His attorneys have advised that claimant first became a resident of Canada in August, 1923. For reasons which have been explained in my earlier report upon maltreatment cases, this Commission is without jurisdiction to entertain the claims of Imperial soldiers who were not resident in Canada on or before January 10, 1920, date of the ratification of the Treaty of Versailles. The claim is, accordingly, without standing before this Commission and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.

#### CASE 2583—JOHN WILSON

Claimant served with the Imperials—First Gordon Highlanders—Regimental No. 7883. He was resident in Canada prior to the war and was called to the colours in August, 1914, while on a visit to Scotland. He was taken prisoner on August 27, 1914, during the retreat from Mons, slightly wounded in hand, and was repatriated to England in November, 1918. He was originally in receipt of an Imperial pension, but commuted it when he returned to Canada. Claimant is married and has four children. Prior to enlistment, he was a chauffeur, earning \$18 per week. He is now a miner, earning \$150 per month, when working.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, rough treatment, that he was made to work when ill, and lack of medical treatment, resulting in a general neurasthenic condition.

An analysis of the evidence reveals:—

Taken first to Senne lager, he complains of lack of food and exposure to the weather. Sent to Dulmen, he does not complain greatly of the treatment. He next found himself at a commando out of Minden, working on a railway. He was starved and on one occasion was wounded in the hand by a bayonet in the hands of a guard. His arm became injured but he was compelled to continue work. Later, he was sent to Mulheim, where he remained until the Armistice. He worked on the coke ovens and in the repair shop. Medical treatment was denied claimant, while ill, and he was made to continue working. Claimant suffers from his stomach.



The medical record indicates that claimant has suffered from stomach trouble, possibly due in part to a neurasthenic condition and was attended by Dr. Geo. H. Whitmore, of Drumheller, who has filed a certificate to that effect. Claimant's medical history files are not available.

Claimant himself attributes his present state of health to the poor and inadequate food he received in Germany. As explained in general opinion annexed to my earlier report upon maltreatment cases, I cannot regard these nutritional disabilities as the result of maltreatment. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2741—JAMES HENRY WINN

The claimant was a Private in the 43rd Battalion—Regimental No. 135607. He enlisted in June, 1915, at the age of 25 years. He was taken prisoner October 8, 1916, suffering from a shrapnel wound in the left thigh. He was repatriated to England January 13, 1919. He was in receipt of a temporary disability pension of 10 per cent for six months, but is not now in receipt of a pension, and has not applied therefor. He was married November 15, 1911, and has 6 children. Prior to enlistment, he was a shoe worker. Since his discharge he has been variously occupied, but is now employed in a bakery at a salary of \$23.75 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being struck on the back with a rifle butt, and of undue exposure to wet and cold. He states that on exertion there is loss of circulation in his wounded leg, also that his hearing is affected.

An analysis of the evidence reveals:—

Claimant was first taken to Cambrai, where his wounds were dressed. This was the only treatment he received until he reached Ohrdruf hospital, some weeks later. He remained in hospital for about 6 months and declares that they did the best they could, but that he suffered from the cold. His wound healed, claimant was sent to Langensalza, where he remained until July, 1918, working at his trade of shoe making. He contracted the flu, for which he was given 4 aspirin tablets. The treatment generally was rough but not too brutal. He completed his period of captivity on a railroad line doing light work. He speaks of blows received, but does not attribute any disability thereto. He complains of nervousness and impairment of hearing in the right ear, which he attributes to the flu.

The medical record indicates moderate debility with some impairment of hearing in right ear. His percentage of disability is stated at from 60 to 75 per cent. Dr. E. F. Partello, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

Claimant's general state of nervousness has not been shown to result from active maltreatment. It is probably the result of the general strain of camp life in prison camps. The ear condition, as claimant says, is possibly the result of flu. I cannot say, from the record that claimant has established a permanent disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 3, 1933.



## CASE 2634—FRANK WOOD

The claimant was a Corporal in the 7th Battalion—Regimental No. 23352. He enlisted in August, 1914, at the age of 30 years and was taken prisoner April 24, 1915, suffering from shrapnel wounds in the legs. He states he was also gassed. He was released to Holland in March, 1918, and repatriated to England November 18, 1918. He is in receipt of a 5 per cent disability pension, based on his leg wound, which amounts to \$3.75 per month. He is unmarried. Prior to enlistment, he was employed as a cement mixer and carpenter, at an average wage of \$5 per day. Since his discharge he has been employed in various capacities at logging camps, at an average wage of \$4.50 per day, but at present he is unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was often beaten, and on one occasion was struck in the mouth with a rifle butt, with the result that he lost six teeth. On another occasion he received a bayonet cut in the hand, and states that blood poisoning set in, and, as a result he suffers from a permanent stiffening of the little finger. He alleges that he is unable to follow his pre-war occupation because of the condition of his legs.

An analysis of the evidence reveals:—

Claimant was first taken to Paderborn hospital where he remained for 4 months and has no complaint of his treatment. Removed to Steinhurst, via Senne lager, he relates an incident of a blow in the mouth which knocked out his upper teeth. He admits that he struck an officer who was maltreating another prisoner, with the result noted. Later, at Mulheim, he was cut on the little finger by a bayonet in the hands of a guard, in seeking to protect himself from a blow. No treatment was given him, with the result that infection set in and the finger has remained disabled. He speaks of numerous beatings, and claims disability due to his teeth, his hand, varicose veins and flat feet.

The medical evidence, consisting in a letter of Dr. H. W. Keith, indicates that claimant has lost all his teeth in the upper jaw and two in the lower, said to be due to a blow. Dr. Keith also indicates that claimant's right little finger is crippled. No percentage of disability is stated. Claimant's medical history files show nothing unusual. The condition of varicose veins and flat feet is declared not to give entitlement for pension. The hand injury and loss of teeth are not mentioned.

Whatever may have been the provocation, I do not think the injury to claimant's mouth can be regarded as maltreatment. He struck an officer and the punishment visited upon him was not unreasonable. I cannot find that the finger injury can be said to be due to maltreatment and moreover the disability has not been shown to be serious. As to claimant's other complaints, there is no substantiation in the record. On the whole, I find that claimant has failed to establish a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

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